

Effective September 1, 2017.

**RIGHT OF CERTAIN APPELLANTS TO SUPERSEDE A
JUDGMENT OR ORDER ON APPEAL**

CHAPTER 868

H.B. No. 2776

AN ACT

relating to the right of certain appellants to supersede a judgment or order on appeal.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 22.004, Government Code, is amended by adding Subsection (i) to read as follows:

(i) The supreme court shall adopt rules to provide that the right of an appellant under Section 6.001(b)(1), (2), or (3), Civil Practice and Remedies Code, to supersede a judgment or order on appeal is not subject to being counter-superseded under Rule 24.2(a)(3), Texas Rules of Appellate Procedure, or any other rule. Counter-supersedeas shall remain available to parties in a lawsuit concerning a matter that was the basis of a contested case in an administrative enforcement action.

SECTION 2. The Texas Supreme Court shall adopt the rules required by Section 22.004(i), Government Code, as added by this Act, before May 1, 2018.

SECTION 3. This Act takes effect September 1, 2017.

Passed by the House on May 6, 2017: Yeas 141, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 2776 on May 24, 2017: Yeas 144; Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 23, 2017: Yeas 26, Nays 5.

Approved June 15, 2017.

Effective September 1, 2017.

**NONSUBSTANTIVE REVISION OF CERTAIN LOCAL LAWS
CONCERNING WATER AND WASTEWATER SPECIAL
DISTRICTS, INCLUDING CONFORMING AMENDMENTS**

CHAPTER 869

H.B. No. 2803

AN ACT

relating to the nonsubstantive revision of certain local laws concerning water and wastewater special districts, including conforming amendments.

Be it enacted by the Legislature of the State of Texas:

ARTICLE 1. NONSUBSTANTIVE REVISION OF LOCAL LAWS

SECTION 1.01. Subtitle A, Title 5, Special District Local Laws Code, is amended by adding Chapters 5009 and 5013 to read as follows:

CHAPTER 5009. GALVESTON COUNTY NAVIGATION DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5009.001. DEFINITIONS

Sec. 5009.002. NATURE OF DISTRICT

Sec. 5009.003. LEGISLATIVE FINDINGS

SUBCHAPTER B. POWERS AND DUTIES

Sec. 5009.051. LIMITATION ON POWERS AND DUTIES

SUBCHAPTER C. PROMOTION AND DEVELOPMENT FUND

Sec. 5009.101. ESTABLISHMENT OF FUND; DEPOSITS

Sec. 5009.102. USE OF FUND

Sec. 5009.103. CONTROL OF FUND

CHAPTER 5009. GALVESTON COUNTY NAVIGATION DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5009.001. DEFINITIONS. In this chapter:

(1) "Commission" means the board of navigation and canal commissioners of the district.

(2) "District" means the Galveston County Navigation District No. 1.

(3) "Fund" means a promotion and development fund created by the district. (New.)

Sec. 5009.002. NATURE OF DISTRICT. The district is created under Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 46, Sec. 4 (part).)

Sec. 5009.003. LEGISLATIVE FINDINGS. (a) All land and other property in the district benefit from the creation of the district, the carrying out of the purposes for which the district was created, and the acquisition and construction of navigation facilities and improvements to carry out those purposes.

(b) The district is necessary to carry out Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 46, Sec. 4 (part).)

SUBCHAPTER B. POWERS AND DUTIES

Sec. 5009.051. LIMITATION ON POWERS AND DUTIES. Notwithstanding any other law, the district, the commission, or officers of the district may not have any power or authority over the appointment, remuneration, operations, or conduct of the branch pilots of the Galveston Bar or the commission of pilots of the Galveston Bar. (Acts 54th Leg., R.S., Ch. 46, Sec. 4 (part).)

SUBCHAPTER C. PROMOTION AND DEVELOPMENT FUND

Sec. 5009.101. ESTABLISHMENT OF FUND; DEPOSITS. (a) The district may establish a promotion and development fund.

(b) The district, from time to time, may deposit in the fund a portion of the district's accumulated money, plus an amount each year not to exceed 10 percent of the district's total maintenance and operation taxes, including delinquent taxes, received during a fiscal year.

(c) The commission shall determine the amount to be deposited in the fund.

(d) The money in the fund shall be kept separate from other money and accounts of the district. (Acts 71st Leg., R.S., Ch. 1168, Secs. 1, 3(a).)

Sec. 5009.102. USE OF FUND. The fund may be used only for:

(1) the purposes described by Section 60.203, Water Code;

(2) the public purposes of development and diversification of the district's economy; and

(3) joint projects with other political subdivisions or entities, including funding a program of an entity, to carry out the purposes of Subchapter H, Chapter 60, Water Code. (Acts 71st Leg., R.S., Ch. 1168, Sec. 2.)

Sec. 5009.103. CONTROL OF FUND. The fund is under the exclusive control of the

commission, and the commission has full responsibility for auditing, approving, and safeguarding the expenditure of money from the fund. (Acts 71st Leg., R.S., Ch. 1168, Sec. 3(b).)

CHAPTER 5013. PORT OF HARLINGEN AUTHORITY

Sec. 5013.001. DEFINITION

Sec. 5013.002. FORMER NAME OF AUTHORITY

Sec. 5013.003. GOVERNING BODY

CHAPTER 5013. PORT OF HARLINGEN AUTHORITY

Sec. 5013.001. DEFINITION. In this chapter, "authority" means the Port of Harlingen Authority. (Acts 68th Leg., R.S., Ch. 21, Sec. 1(a); New.)

Sec. 5013.002. FORMER NAME OF AUTHORITY. Before April 13, 1983, the authority was known as the Arroyo Colorado Navigation District of Cameron and Willacy Counties. (Acts 68th Leg., R.S., Ch. 21, Sec. 1(a); New.)

Sec. 5013.003. GOVERNING BODY. The navigation and canal commission of the authority is called the port commission and is composed of port commissioners. (Acts 68th Leg., R.S., Ch. 21, Sec. 1(b); New.)

SECTION 1.02. Subtitle B, Title 6, Special District Local Laws Code, is amended by adding Chapter 6913 to read as follows:

CHAPTER 6913. HASKELL COUNTY WATER SUPPLY DISTRICT**SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 6913.001. DEFINITIONS

Sec. 6913.002. NATURE OF DISTRICT

Sec. 6913.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

SUBCHAPTER B. DISTRICT TERRITORY AND ANNEXATIONS TO DISTRICT TERRITORY

Sec. 6913.051. DISTRICT TERRITORY

Sec. 6913.052. ANNEXATION OF TERRITORY IN HASKELL COUNTY

Sec. 6913.053. PETITION FOR ANNEXATION; BOARD DETERMINATION AND RESOLUTION

Sec. 6913.054. COMMISSIONERS COURT RESOLUTION; SETTING ANNEXATION HEARING

Sec. 6913.055. NOTICE OF ANNEXATION HEARING

Sec. 6913.056. ANNEXATION HEARING

Sec. 6913.057. ANNEXATION FINDINGS AND RESOLUTION; ELECTION PROPOSITIONS

Sec. 6913.058. NOTICE OF ANNEXATION ELECTION

Sec. 6913.059. ANNEXATION ELECTION RESULTS

Sec. 6913.060. ASSUMPTION OF DEBT; TAXES

Sec. 6913.061. RESTRICTION ON ANNEXATION OF RAILROAD RIGHT-OF-WAY OR UTILITY PROPERTY

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 6913.101. DIRECTORS

Sec. 6913.102. QUALIFICATIONS FOR OFFICE

Sec. 6913.103. NOTICE OF DIRECTORS' ELECTION

Sec. 6913.104. OFFICERS

- Sec. 6913.105. VOTE BY BOARD PRESIDENT
- Sec. 6913.106. ABSENCE OR INACTION OF BOARD PRESIDENT
- Sec. 6913.107. DIRECTOR AND TREASURER BONDS
- Sec. 6913.108. COMPENSATION OF DIRECTORS

SUBCHAPTER D. POWERS AND DUTIES

- Sec. 6913.151. ACQUISITION OF WATER OR WATER RIGHTS
- Sec. 6913.152. CONSTRUCTION OR ACQUISITION OF PROPERTY
- Sec. 6913.153. EMINENT DOMAIN
- Sec. 6913.154. COST OF RELOCATING OR ALTERING PROPERTY
- Sec. 6913.155. CONSTRUCTION AND PURCHASING CONTRACTS
- Sec. 6913.156. CONTRACTS RELATED TO WATER SUPPLY AND FACILITIES

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

- Sec. 6913.201. DEPOSITORY
- Sec. 6913.202. PROJECTS EXEMPT FROM ASSESSMENT OR TAXATION
- Sec. 6913.203. TAX ASSESSOR AND COLLECTOR

SUBCHAPTER F. BONDS

- Sec. 6913.251. AUTHORITY TO ISSUE BONDS
- Sec. 6913.252. FORM OF BONDS
- Sec. 6913.253. MATURITY
- Sec. 6913.254. BONDS PAYABLE FROM REVENUE
- Sec. 6913.255. BONDS PAYABLE FROM AD VALOREM TAXES
- Sec. 6913.256. ELECTION FOR BONDS PAYABLE FROM AD VALOREM TAXES
- Sec. 6913.257. TAX AND COMPENSATION RATES
- Sec. 6913.258. ADDITIONAL SECURITY
- Sec. 6913.259. USE OF BOND PROCEEDS
- Sec. 6913.260. APPOINTMENT OF RECEIVER
- Sec. 6913.261. REFUNDING BONDS
- Sec. 6913.262. BONDS EXEMPT FROM TAXATION

CHAPTER 6913. HASKELL COUNTY WATER SUPPLY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6913.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Commissioners court" means the Haskell County Commissioners Court.
- (3) "Director" means a board member.
- (4) "District" means the Haskell County Water Supply District. (Acts 54th Leg., R.S., Ch. 141, Sec. 1 (part); New.)

Sec. 6913.002. NATURE OF DISTRICT. The district is created under Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 141, Sec. 1 (part).)

Sec. 6913.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land in the district will benefit from the improvements to be acquired and constructed by the district.

(b) Because the accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the improvement of their property and industries,

the district in carrying out the purposes of this chapter performs an essential public function under the Texas Constitution. (Acts 54th Leg., R.S., Ch. 141, Secs. 2 (part), 19 (part).)

**SUBCHAPTER B. DISTRICT TERRITORY AND ANNEXATIONS TO DISTRICT
TERRITORY**

Sec. 6913.051. **DISTRICT TERRITORY.** The district is composed of the territory described by Section 2, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955, as that territory may have been modified under:

- (1) Subchapter J, Chapter 49, Water Code;
- (2) this subchapter or its predecessor statute, former Section 5, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955; or
- (3) other law. (Acts 54th Leg., R.S., Ch. 141, Sec. 2 (part); New.)

Sec. 6913.052. **ANNEXATION OF TERRITORY IN HASKELL COUNTY.** Territory in Haskell County, whether the territory is contiguous to the district or not, may be annexed to the district as provided by this subchapter. (Acts 54th Leg., R.S., Ch. 141, Sec. 5 (part).)

Sec. 6913.053. **PETITION FOR ANNEXATION; BOARD DETERMINATION AND RESOLUTION.** (a) Territory may be annexed to the district under this subchapter if a petition requesting annexation is filed with the board.

(b) The petition must:

(1) be signed by:

(A) 50 registered voters of the territory proposed to be annexed who own taxable property in that territory; or

(B) a majority of the registered voters of that territory who own taxable property in that territory; and

(2) describe the territory proposed to be annexed by metes and bounds.

(c) If the board determines that the petition complies with Subsection (b), that the annexation would be in the district's interest, and that the district will be able to supply water to the proposed territory, the board shall:

(1) adopt a resolution requesting that the commissioners court annex the territory to the district and stating any conditions for annexation of the territory; and

(2) deliver a certified copy of the resolution and of the petition to the commissioners court. (Acts 54th Leg., R.S., Ch. 141, Secs. 5(a), (b).)

Sec. 6913.054. **COMMISSIONERS COURT RESOLUTION; SETTING ANNEXATION HEARING.** On receipt of a board resolution and petition under this subchapter, the commissioners court shall:

(1) adopt a resolution that declares the court's intention to call an election in the proposed territory on the proposition of whether to annex the territory to the district; and

(2) set a time and place to hold a hearing on the question of whether the proposed territory will benefit from the improvements, works, and facilities then owned or operated or contemplated to be owned or operated by the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(c).)

Sec. 6913.055. **NOTICE OF ANNEXATION HEARING.** (a) Not later than the 10th day before the date of the annexation hearing, notice of the resolution adopted under Section 6913.054 shall be published one time in a newspaper designated by the commissioners court, except as provided by Subsection (c).

(b) The notice must:

(1) be addressed to the citizens and owners of property in the proposed territory;

(2) state the time and place of the annexation hearing; and

(3) describe the proposed territory in the same manner as Section 6913.053(b) requires.

(c) If a newspaper is not published in the proposed territory, the notice shall be posted in three public places in the proposed territory. (Acts 54th Leg., R.S., Ch. 141, Secs. 5(d), (k).)

Sec. 6913.056. ANNEXATION HEARING. (a) The annexation hearing may proceed in the order and under the rules prescribed by the commissioners court, and the court may recess the hearing.

(b) Any interested person may appear at the annexation hearing and offer evidence for or against the proposed annexation. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(e) (part).)

Sec. 6913.057. ANNEXATION FINDINGS AND RESOLUTION; ELECTION PROPOSITIONS. (a) At the conclusion of the annexation hearing, if the commissioners court finds that all the proposed territory will benefit from the present or contemplated improvements, works, or facilities of the district, the commissioners court shall adopt a resolution that:

(1) calls an election in the proposed territory; and

(2) states the date of the election and the place or places of holding the election.

(b) In calling an election on the proposition for annexation of the proposed territory, the commissioners court may include in the same proposition a proposition for:

(1) the territory to assume its part of the tax-supported bonds of the district then outstanding and those bonds previously voted but not yet sold; and

(2) an ad valorem tax to be imposed on taxable property in the territory along with the tax in the rest of the district for the payment of the bonds. (Acts 54th Leg., R.S., Ch. 141, Secs. 5(e) (part), (i).)

Sec. 6913.058. NOTICE OF ANNEXATION ELECTION. (a) Not later than the 10th day before the date set for the election, notice of the election shall be published one time in a newspaper designated by the commissioners court, except as provided by Subsection (c).

(b) In addition to the requirements of Section 4.004, Election Code, notice of the annexation election must:

(1) state the conditions under which the proposed territory may be annexed; or

(2) refer to the resolution of the board for that purpose.

(c) If a newspaper is not published in the proposed territory, the notice shall be posted in three public places in the territory. (Acts 54th Leg., R.S., Ch. 141, Secs. 5(f) (part), (k).)

Sec. 6913.059. ANNEXATION ELECTION RESULTS. (a) The commissioners court shall issue an order declaring the results of the annexation election.

(b) If the order shows that a majority of the votes cast are in favor of annexation, the commissioners court shall annex the proposed territory to the district. The annexation is incontestable except in the time for contesting elections under the Election Code.

(c) A certified copy of the order shall be recorded in the deed records of Haskell County. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(h) (part).)

Sec. 6913.060. ASSUMPTION OF DEBT; TAXES. (a) After territory is annexed to the district, the board may order an election in the district as enlarged to determine whether the district as enlarged shall assume any tax-supported bonds then outstanding and those previously voted but not yet sold and impose an ad valorem tax on all taxable property in the district as enlarged to pay the bonds, unless the proposition is voted along with the annexation election and becomes binding on the territory annexed.

(b) An election ordered under Subsection (a) shall be held in the same manner as an election under this chapter for the issuance of bonds. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(j).)

Sec. 6913.061. **RESTRICTION ON ANNEXATION OF RAILROAD RIGHT-OF-WAY OR UTILITY PROPERTY.** A railroad right-of-way or a transmission line or another item of property of an electric or gas utility that is not located inside the limits of a municipality will not benefit from improvements, works, or facilities the district is authorized to construct. Therefore, a railroad right-of-way or a transmission line or another item of property of an electric or gas utility may not be annexed to the district unless the right-of-way or property is located inside the limits of a municipality annexed to the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 5(e) (part).)

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 6913.101. **DIRECTORS.** The district is governed by a board of five elected directors. (Acts 54th Leg., R.S., Ch. 141, Secs. 3(a) (part), (c) (part).)

Sec. 6913.102. **QUALIFICATIONS FOR OFFICE.** (a) A person may not be appointed a director unless the person resides in and owns taxable property in the district.

(b) A member of a municipality's governing body or an employee of a municipality may not be a director. (Acts 54th Leg., R.S., Ch. 141, Sec. 3(a) (part).)

Sec. 6913.103. **NOTICE OF DIRECTORS' ELECTION.** Notice of a directors' election shall be published once in a newspaper published in Haskell County not later than the 10th day before the date of the election. (Acts 54th Leg., R.S., Ch. 141, Secs. 3(b) (part), (c) (part).)

Sec. 6913.104. **OFFICERS.** (a) The board shall elect from the board's membership a president, a vice president, and any other officers that the board determines are necessary.

(b) The board shall appoint a secretary and a treasurer, who are not required to be directors. The board may combine the offices of secretary and treasurer. (Acts 54th Leg., R.S., Ch. 141, Sec. 4 (part).)

Sec. 6913.105. **VOTE BY BOARD PRESIDENT.** The president has the same right to vote as any other director. (Acts 54th Leg., R.S., Ch. 141, Sec. 4 (part).)

Sec. 6913.106. **ABSENCE OR INACTION OF BOARD PRESIDENT.** When the board president is absent or fails or declines to act, the board vice president shall perform all duties and exercise all powers this chapter gives the president. (Acts 54th Leg., R.S., Ch. 141, Sec. 4 (part).)

Sec. 6913.107. **DIRECTOR AND TREASURER BONDS.** (a) Each director shall give bond in the amount of \$5,000 conditioned on the faithful performance of the director's duties.

(b) The treasurer shall give bond in the amount required by the board. The treasurer's bond shall be conditioned on the treasurer's faithful accounting for all money that comes into the treasurer's custody as treasurer of the district. (Acts 54th Leg., R.S., Ch. 141, Secs. 3(a) (part), 4 (part).)

Sec. 6913.108. **COMPENSATION OF DIRECTORS.** (a) Each director:

(1) shall receive a fee not to exceed \$5 for attending each board meeting; and

(2) is also entitled to receive \$5 for each day devoted to the business of the district if the service is expressly approved by the board.

(b) In all areas of conflict with Subsection (a) of this section, Section 49.060, Water Code, takes precedence.

(c) A director's compensation may be increased as authorized by Section 49.060, Water Code, by resolution adopted by the board in accordance with Subsection (e) of that section on or after September 1, 1995. (Acts 54th Leg., R.S., Ch. 141, Sec. 3(e) (part); New.)

SUBCHAPTER D. POWERS AND DUTIES

Sec. 6913.151. **ACQUISITION OF WATER OR WATER RIGHTS.** (a) The district may acquire a groundwater or surface water supply.

(b) The district may acquire water appropriation permits directly from the Texas Commission on Environmental Quality or from permit owners.

(c) The district may purchase water or a water supply from any person. (Acts 54th Leg., R.S., Ch. 141, Secs. 6 (part); 16.)

Sec. 6913.152. CONSTRUCTION OR ACQUISITION OF PROPERTY. The district may construct or otherwise acquire all works, plants, and other facilities necessary or useful for the purpose of processing groundwater or surface water and transporting the water to any person for municipal, domestic, and industrial purposes. (Acts 54th Leg., R.S., Ch. 141, Sec. 6 (part).)

Sec. 6913.153. EMINENT DOMAIN. (a) To carry out a power provided by this chapter, the district may exercise the power of eminent domain to acquire land and easements inside or outside the district in Haskell County.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code.

(c) The board shall determine the amount and the type of interest in land and easements to be acquired under this section.

(d) The district's authority under this section to exercise the power of eminent domain expired on September 1, 2013, unless the district submitted a letter to the comptroller in accordance with Section 2206.101(b), Government Code, not later than December 31, 2012. (Acts 54th Leg., R.S., Ch. 141, Sec. 7 (part); New.)

Sec. 6913.154. COST OF RELOCATING OR ALTERING PROPERTY. If the district's exercise of the power of eminent domain, the power of relocation, or any other power granted by this chapter makes necessary relocating, raising, rerouting, changing the grade of, or altering the construction of a highway, railroad, electric transmission line, telephone or telegraph property or facility, or pipeline, the necessary action shall be accomplished at the sole expense of the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 7 (part).)

Sec. 6913.155. CONSTRUCTION AND PURCHASING CONTRACTS. A construction contract or contract for the purchase of materials, equipment, or supplies is governed by Chapter 49 or 51, Water Code. (Acts 54th Leg., R.S., Ch. 141, Sec. 8.)

Sec. 6913.156. CONTRACTS RELATED TO WATER SUPPLY AND FACILITIES.

(a) The district may contract with any person to supply water to the person.

(b) The district may contract with a municipality for the rental or leasing of or for the operation of the municipality's water production, supply, or distribution facilities.

(c) The contract may provide that the contract continues in effect until bonds specified in the contract and refunding bonds issued in lieu of the bonds are paid. (Acts 54th Leg., R.S., Ch. 141, Sec. 14.)

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 6913.201. DEPOSITORY. (a) Except as provided by Subsection (i), the board shall designate one or more banks in Haskell County to serve as depository for the district's money.

(b) District money shall be deposited with a designated depository bank or banks, except that:

(1) money pledged to pay bonds may be deposited with the trustee bank named in the trust agreement; and

(2) money shall be remitted to the bank of payment for the payment of principal of and interest on bonds.

(c) To the extent that money in a depository bank or a trustee bank is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds.

(d) The board shall prescribe the terms of service for depositories.

(e) Before designating a depository bank, the board shall issue a notice to each bank in Haskell County that:

- (1) states the time and place at which the board will meet to designate a depository bank or banks; and
- (2) invites the banks to submit an application to be designated as a depository.
- (f) The notice described by Subsection (e) must be mailed or delivered not later than the 10th day before the date fixed for the submission of applications.
- (g) At the time stated in the notice, the board shall:
 - (1) consider the application and the management and condition of each bank that applies; and
 - (2) designate as a depository the bank or banks that:
 - (A) offer the most favorable terms for handling the money; and
 - (B) the board finds have proper management and are in condition to handle the money.
- (h) Membership on the board of an officer or director of a bank does not disqualify the bank from being designated as a depository.
- (i) If the board does not receive any applications before the time stated in the notice, or if the board rejects all applications, the board shall designate one or more banks located inside or outside the county on terms that the board finds advantageous to the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 15.)

Sec. 6913.202. PROJECTS EXEMPT FROM ASSESSMENT OR TAXATION. The district is not required to pay a tax or assessment on a project or any part of a project. (Acts 54th Leg., R.S., Ch. 141, Sec. 19 (part).)

Sec. 6913.203. TAX ASSESSOR AND COLLECTOR. Before the sale and delivery of district bonds payable wholly or partly from ad valorem taxes, the board shall appoint a tax assessor and collector. (Acts 54th Leg., R.S., Ch. 141, Sec. 20(b) (part).)

SUBCHAPTER F. BONDS

Sec. 6913.251. AUTHORITY TO ISSUE BONDS. (a) The district may issue bonds to carry out any power conferred by this chapter, including the power to provide a source of water supply for any person for municipal, domestic, or industrial purposes.

(b) The bonds must be authorized by a board resolution. (Acts 54th Leg., R.S., Ch. 141, Secs. 9(a) (part), (b) (part), (e) (part).)

Sec. 6913.252. FORM OF BONDS. District bonds must be:

- (1) issued in the district's name;
- (2) signed by the president or vice president; and
- (3) attested by the secretary. (Acts 54th Leg., R.S., Ch. 141, Sec. 9(b) (part).)

Sec. 6913.253. MATURITY. District bonds must mature not later than 40 years after the date of their issuance. (Acts 54th Leg., R.S., Ch. 141, Sec. 9(b) (part).)

Sec. 6913.254. BONDS PAYABLE FROM REVENUE. (a) In this section, "net revenue" means the district's gross revenue, other than taxation, minus the amount necessary to pay the cost of maintaining and operating the district and its property.

(b) District bonds may be secured as described by a board resolution by a pledge of:

- (1) all or part of the district's net revenue;
- (2) the net revenue of a contract made at any time; or
- (3) other revenue specified by board resolution.

(c) The pledge may reserve the right to issue additional bonds on a parity with or subordinate to the bonds being issued, subject to conditions specified by the pledge.

(d) District bonds not payable wholly or partly from ad valorem taxes may be issued without an election. (Acts 54th Leg., R.S., Ch. 141, Secs. 9(a) (part), (d), 12(a) (part).)

Sec. 6913.255. BONDS PAYABLE FROM AD VALOREM TAXES. The district may issue bonds:

- (1) payable from ad valorem taxes imposed on taxable property in the district; or
- (2) secured by and payable from:
 - (A) taxes described by Subdivision (1); and
 - (B) revenue of the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 9(e) (part).)

Sec. 6913.256. ELECTION FOR BONDS PAYABLE FROM AD VALOREM TAXES.

(a) District bonds, other than refunding bonds, payable wholly or partly from ad valorem taxes may not be issued unless authorized by a district election at which a majority of the votes cast favor the bond issuance.

(b) The board may order an election under this section without a petition. The order must specify:

- (1) the time and places at which the election will be held;
- (2) the purpose for which the bonds will be issued;
- (3) the maximum amount of the bonds;
- (4) the maximum maturity of the bonds;
- (5) the form of the ballot; and
- (6) the presiding judge for each voting place.

(c) Notice of the election must be given by publishing a substantial copy of the order calling the election in a newspaper published in Haskell County that is circulated in the district for two consecutive weeks. The first publication must be not later than the 15th day before the date of the election. (Acts 54th Leg., R.S., Ch. 141, Secs. 12(a) (part), (b).)

Sec. 6913.257. TAX AND COMPENSATION RATES. (a) If the district issues bonds payable wholly or partly from ad valorem taxes, the district shall impose a tax sufficient to pay the bonds and the interest on the bonds as the bonds and interest become due. The board may adopt the rate of the tax for any year after considering the money received from pledged revenue available for payment of principal and interest to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

(b) If the district issues bonds payable wholly or partly from revenue, the board shall set and revise the rates of compensation for water sold and services rendered by the district.

(c) For bonds payable wholly from revenue, the rates of compensation must be sufficient to:

- (1) pay the expense of operating and maintaining the facilities of the district;
- (2) pay the bonds as they mature and the interest as it accrues; and
- (3) maintain the reserve and other funds as provided by the resolution authorizing the issuance of the bonds.

(d) For bonds payable partly from revenue, the rates of compensation must be sufficient to assure compliance with the resolution authorizing the issuance of the bonds. (Acts 54th Leg., R.S., Ch. 141, Secs. 9(e) (part), (f).)

Sec. 6913.258. ADDITIONAL SECURITY. (a) District bonds, including refunding bonds, that are not payable wholly from ad valorem taxes may be additionally secured by a deed of trust lien on physical property of the district and all franchises, easements, water rights and appropriation permits, leases, contracts, and all rights appurtenant to the property, vesting in the trustee power to:

- (1) sell the property for payment of the debt;
- (2) operate the property; and
- (3) take other action to further secure the bonds.

(b) The deed of trust may:

- (1) contain any provision the board prescribes to secure the bonds and preserve the trust estate;

- (2) provide for amendment or modification of the deed of trust; and
- (3) provide for the issuance of bonds to replace lost or mutilated bonds.
- (c) A purchaser under a sale under the deed of trust is:
 - (1) the owner of the dam or dams and the other property and facilities purchased; and
 - (2) entitled to maintain and operate the property and facilities. (Acts 54th Leg., R.S., Ch. 141, Sec. 11.)

Sec. 6913.259. USE OF BOND PROCEEDS. (a) The district may set aside an amount of proceeds from the sale of district bonds for the payment of interest expected to accrue during construction and for one year after construction in a reserve interest and sinking fund. The resolution authorizing the bonds may provide for setting aside and using the proceeds as provided by this subsection.

(b) The district may use proceeds from the sale of the bonds to pay any expense necessarily incurred in accomplishing the purposes of the district. (Acts 54th Leg., R.S., Ch. 141, Sec. 9(g).)

Sec. 6913.260. APPOINTMENT OF RECEIVER. (a) On default or threatened default in the payment of principal of or interest on district bonds that are payable wholly or partly from revenue, a court may appoint a receiver for the district on petition of the holders of 25 percent of the outstanding bonds of the issue in default or threatened with default.

(b) The receiver may collect and receive all district income except taxes, employ and discharge district agents and employees, take charge of money on hand, except money received from taxes unless commingled, and manage the district's proprietary affairs without the consent of or hindrance by the board.

(c) The receiver may be authorized to sell or contract for the sale of water or to renew those contracts with the approval of the court that appointed the receiver.

(d) The court may vest the receiver with any other power or duty the court finds necessary to protect the bondholders. (Acts 54th Leg., R.S., Ch. 141, Sec. 9(h).)

Sec. 6913.261. REFUNDING BONDS. (a) The district may issue refunding bonds to refund outstanding district bonds and interest on those bonds.

(b) Refunding bonds may:

- (1) be issued to refund bonds of more than one series;
- (2) combine the pledges for the outstanding bonds for the security of the refunding bonds; or
- (3) be secured by a pledge of other or additional revenue.

(c) The provisions of this subchapter regarding the issuance of other bonds and the remedies of the holders apply to refunding bonds.

(d) The comptroller shall register the refunding bonds on surrender and cancellation of the bonds to be refunded.

(e) Instead of issuing bonds to be registered on the surrender and cancellation of the bonds to be refunded, the district, in the resolution authorizing the issuance of the refunding bonds, may provide for the sale of the refunding bonds and the deposit of the proceeds in a bank at which the bonds to be refunded are payable. In that case, the refunding bonds may be issued in an amount sufficient to pay the interest on the bonds to be refunded to their option date or maturity date, and the comptroller shall register the refunding bonds without the surrender and cancellation of the bonds to be refunded. (Acts 54th Leg., R.S., Ch. 141, Sec. 10.)

Sec. 6913.262. BONDS EXEMPT FROM TAXATION. District bonds, the transfer of district bonds, and income from district bonds, including profits made on the sale of district bonds, are exempt from taxation in this state. (Acts 54th Leg., R.S., Ch. 141, Sec. 19 (part).)

SECTION 1.03. Subtitle E, Title 6, Special District Local Laws Code, is amended by adding Chapter 7811 to read as follows:

CHAPTER 7811. DALLAS COUNTY FLOOD CONTROL DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

- Sec. 7811.001. DEFINITIONS
- Sec. 7811.002. NATURE OF DISTRICT
- Sec. 7811.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE
- Sec. 7811.004. DISTRICT TERRITORY
- Sec. 7811.005. ANNEXATION OF LAND

SUBCHAPTER B. BOARD OF DIRECTORS

- Sec. 7811.051. COMPOSITION OF BOARD; TERMS
- Sec. 7811.052. ELIGIBILITY FOR OFFICE
- Sec. 7811.053. DIRECTOR'S BOND
- Sec. 7811.054. BOARD VACANCY
- Sec. 7811.055. BOARD PRESIDENT; ABSENCE OF BOARD PRESIDENT
- Sec. 7811.056. SECRETARY'S DUTIES
- Sec. 7811.057. TREASURER
- Sec. 7811.058. COMPENSATION OF DIRECTORS
- Sec. 7811.059. VOTE REQUIRED FOR OFFICIAL BOARD ACTION
- Sec. 7811.060. DESIGNATION OF DIRECTOR TO ACT ON DISTRICT'S BEHALF
- Sec. 7811.061. DISTRICT OFFICE
- Sec. 7811.062. RECORDS

SUBCHAPTER C. POWERS AND DUTIES

- Sec. 7811.101. GENERAL POWERS AND DUTIES
- Sec. 7811.102. EMINENT DOMAIN
- Sec. 7811.103. COST OF RELOCATING OR ALTERING PROPERTY
- Sec. 7811.104. CONTRACTS FOR FACILITIES AND IMPROVEMENTS; ELECTION NOT REQUIRED
- Sec. 7811.105. PROHIBITED FUNCTIONS
- Sec. 7811.106. STANDARDS FOR ROAD, STREET, OR UTILITY CONSTRUCTION
- Sec. 7811.107. APPROVAL OF RECLAMATION PLAN, AMENDMENT, OR PROJECT

SUBCHAPTER D. TAX ABATEMENT IN REINVESTMENT ZONE

- Sec. 7811.151. DESIGNATION OF REINVESTMENT ZONE
- Sec. 7811.152. CRITERIA FOR REINVESTMENT ZONE
- Sec. 7811.153. EXPIRATION OF REINVESTMENT ZONE
- Sec. 7811.154. TAX ABATEMENT AGREEMENT
- Sec. 7811.155. TAX ABATEMENT AGREEMENT: CERTIFICATED AIR CARRIER
- Sec. 7811.156. TAX ABATEMENT AGREEMENT REQUIREMENTS
- Sec. 7811.157. NOTICE OF TAX ABATEMENT AGREEMENT TO OTHER TAXING UNITS
- Sec. 7811.158. MODIFICATION OR TERMINATION OF TAX ABATEMENT AGREEMENT

Sec. 7811.159. REGISTRY OF REINVESTMENT ZONES AND TAX ABATEMENT AGREEMENTS; ASSISTANCE TO DISTRICT

Sec. 7811.160. PROPERTIES THAT MAY BE INCLUDED IN TAX ABATEMENT AGREEMENT

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 7811.201. DEPOSITORY

Sec. 7811.202. AUTHORITY TO ISSUE BONDS AND INCUR INDEBTEDNESS

Sec. 7811.203. CONSTITUENT MUNICIPALITIES NOT OBLIGATED TO PAY DISTRICT OBLIGATIONS

Sec. 7811.204. BOND ANTICIPATION NOTES

Sec. 7811.205. PREVIOUSLY AUTHORIZED MAINTENANCE TAXES

CHAPTER 7811. DALLAS COUNTY FLOOD CONTROL DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7811.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Constituent municipality" means the City of Grand Prairie or the City of Irving.
- (3) "Director" means a member of the board.
- (4) "District" means the Dallas County Flood Control District No. 1. (Acts 68th Leg., R.S., Ch. 1081, Secs. 1(b) (part), (c), 2(a) (part); New.)

Sec. 7811.002. NATURE OF DISTRICT. The district is a conservation and reclamation district established under Section 59, Article XVI, Texas Constitution. (Acts 68th Leg., R.S., Ch. 1081, Secs. 1(a), (b) (part).)

Sec. 7811.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) The land and other property included in the district will benefit from the works and projects accomplished by the district and by the powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation and operation of the district is essential to accomplish the purpose of Section 59, Article XVI, Texas Constitution. (Acts 68th Leg., R.S., Ch. 1081, Secs. 8, 14.)

Sec. 7811.004. DISTRICT TERRITORY. (a) The district is composed of the territory located within the redefined boundaries of the district as filed in the deed records of Dallas County, Texas, on August 29, 1983, as amended by Sections 2(b) and (d), Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983, as that territory may have been modified under:

- (1) Section 7811.005 of this chapter or its predecessor statute, former Section 13, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983;
- (2) Subchapter J, Chapter 49, Water Code; or
- (3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

- (1) the district's organization, existence, or validity;
- (2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;
- (3) the district's right to impose a tax; or
- (4) the legal operation of the district or its governing body. (Acts 68th Leg., R.S., Ch. 1081, Secs. 2(a) (part), (b), (c), (d); New.)

Sec. 7811.005. ANNEXATION OF LAND. Before the annexation of land within the

corporate limits of a constituent municipality, the district must obtain the approval of the municipality. (Acts 68th Leg., R.S., Ch. 1081, Sec. 13 (part).)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7811.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board consisting of five appointed directors. The City of Irving appoints three directors and the City of Grand Prairie appoints two directors.

(b) Directors serve two-year terms. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(a).)

Sec. 7811.052. ELIGIBILITY FOR OFFICE. A director must own land in the district subject to taxation at the time the director qualifies for office. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(c) (part).)

Sec. 7811.053. DIRECTOR'S BOND. (a) A director shall execute a bond in the amount of \$5,000 for the faithful performance of the director's duties.

(b) The bond must be filed in the office of the county clerk of Dallas County. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(c) (part).)

Sec. 7811.054. BOARD VACANCY. (a) If a director dies, resigns, or ceases to possess the qualifications required for office, the board shall declare the person's office vacant.

(b) The constituent municipality that appointed the director whose position is vacant shall appoint a successor to fill the unexpired term. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(b).)

Sec. 7811.055. BOARD PRESIDENT; ABSENCE OF BOARD PRESIDENT. (a) The board may authorize the board's president to sign all orders or take other action.

(b) Any order adopted or action taken at a board meeting at which the board's president is absent may be signed by the board's vice president, or the board may authorize the president to sign the order or action at a later time. (Acts 68th Leg., R.S., Ch. 1081, Secs. 3(f) (part), (g).)

Sec. 7811.056. SECRETARY'S DUTIES. The board secretary shall keep accurate minutes and shall certify any action taken by the board. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(h).)

Sec. 7811.057. TREASURER. (a) The board may appoint a district treasurer.

(b) The district treasurer shall execute a bond in an amount determined by the board payable to the district and conditioned on the faithful performance of the treasurer's duties. (Acts 68th Leg., R.S., Ch. 1081, Sec. 11(d).)

Sec. 7811.058. COMPENSATION OF DIRECTORS. (a) A director is entitled to receive \$25 for each day spent performing district work, not to exceed \$200 per month.

(b) In all areas of conflict with Subsection (a) of this section, Section 49.060, Water Code, takes precedence.

(c) A director's compensation may be increased as authorized by Section 49.060, Water Code, by resolution adopted by the board in accordance with Subsection (e) of that section on or after September 1, 1995. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(i) (part); New.)

Sec. 7811.059. VOTE REQUIRED FOR OFFICIAL BOARD ACTION. An official action of the board is not valid without the affirmative vote of a majority of the directors. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(d) (part).)

Sec. 7811.060. DESIGNATION OF DIRECTOR TO ACT ON DISTRICT'S BEHALF. The board may designate one or more directors to execute on behalf of the district all contracts, including a construction contract, sign checks, or handle any other matter entered into by the board as shown in the district's official minutes. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(e).)

Sec. 7811.061. DISTRICT OFFICE. (a) The board shall establish and maintain a district office inside the district.

(b) The board may establish a second district office outside the district.

(c) A district office may be a private residence or office and that residence or office is a public place for matters relating to the district's business. (Acts 68th Leg., R.S., Ch.

1081, Sec. 12.)

Sec. 7811.062. RECORDS. The board shall keep the district's records open to public inspection at reasonable times at the district's principal office. (Acts 68th Leg., R.S., Ch. 1081, Sec. 3(k).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7811.101. GENERAL POWERS AND DUTIES. (a) The district may exercise the rights, powers, privileges, and functions provided by Section 59, Article XVI, Texas Constitution, Chapters 49 and 57, Water Code, and this chapter.

(b) The district may construct and maintain levees and other improvements on, along, and contiguous to rivers, creeks, streams, and drainage courses for the purposes of:

- (1) reclaiming land from overflow from that water;
- (2) controlling and distributing the water of rivers and streams by straightening and improving the rivers and streams;
- (3) draining and improving the land; and
- (4) preventing the pollution of the water. (Acts 68th Leg., R.S., Ch. 1081, Secs. 1(d) (part), (e); New.)

Sec. 7811.102. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain in Dallas County to acquire the fee simple title to or an easement or right-of-way to, over, or through any land, water, or land under water inside or outside the district that has a direct effect on the accomplishment of the purposes for which the district is created and is necessary for constructing and maintaining all levees and other improvements for the improvement of rivers, creeks, streams, or drainage courses in the district or bordering the district and to prevent overflows.

(b) The district may not exercise the power of eminent domain under Subsection (a) to acquire land or other property that is used for cemetery purposes.

(c) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code.

(d) The district may not exercise the power of eminent domain within the corporate limits of a constituent municipality without the prior approval by resolution of the governing body of the municipality.

(e) The district's authority under this section to exercise the power of eminent domain expired on September 1, 2013, unless the district submitted a letter to the comptroller in accordance with Section 2206.101(b), Government Code, not later than December 31, 2012. (Acts 68th Leg., R.S., Ch. 1081, Secs. 9(a), (b) (part), (d); New.)

Sec. 7811.103. COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b) to provide comparable replacement without enhancement of the facility, after deducting the net salvage value of the old facility.

(b) If the district's exercise of its power of eminent domain makes necessary relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a highway, railroad, electric transmission or distribution line, telephone or telegraph property or facility, or pipeline, the necessary action shall be accomplished at the sole expense of the district unless the owner of the relocated or altered facility has a legal obligation to pay those expenses. (Acts 68th Leg., R.S., Ch. 1081, Sec. 9(c).)

Sec. 7811.104. CONTRACTS FOR FACILITIES AND IMPROVEMENTS; ELECTION NOT REQUIRED. (a) The district may enter into a contract with a person for the maintenance or construction of any facility or improvement authorized by this chapter.

(b) The district may enter into a contract under Subsection (a) without:

- (1) voting for the issuance of bonds; or
- (2) holding an election to approve the contract. (Acts 68th Leg., R.S., Ch. 1081, Sec.

10.)

Sec. 7811.105. PROHIBITED FUNCTIONS. The district may not:

(1) engage in any park, water service, wastewater service, police, or firefighting function; or

(2) spend any district money or issue bonds for any function described by Subdivision (1). (Acts 68th Leg., R.S., Ch. 1081, Sec. 7.)

Sec. 7811.106. STANDARDS FOR ROAD, STREET, OR UTILITY CONSTRUCTION. Any road, street, or utility construction by the district begun on or after August 31, 1987, within the corporate limits of a constituent municipality must comply with the standards for construction adopted by the municipality. (Acts 68th Leg., R.S., Ch. 1081, Sec. 15.)

Sec. 7811.107. APPROVAL OF RECLAMATION PLAN, AMENDMENT, OR PROJECT. In addition to any other requirements in this chapter, a reclamation plan adopted by the district, an amendment to a reclamation plan, or a project of the district that is not included in a reclamation plan must be approved by both constituent municipalities before the plan, amendment, or project takes effect. (Acts 68th Leg., R.S., Ch. 1081, Sec. 1(g).)

SUBCHAPTER D. TAX ABATEMENT IN REINVESTMENT ZONE

Sec. 7811.151. DESIGNATION OF REINVESTMENT ZONE. (a) The district by resolution may designate as a reinvestment zone an area or real or personal property in the taxing jurisdiction of the district that the board finds satisfies the requirements of Section 7811.152. The board must find that the proposed commercial-industrial or residential project or projects meet the criteria prescribed by Section 7811.152.

(b) The resolution must describe the boundaries of the zone and the eligibility of the zone for commercial-industrial or residential tax abatement.

(c) The area of a reinvestment zone designated for commercial-industrial or residential tax abatement may be included in an overlapping or coincidental commercial-industrial or residential zone established under Chapter 312, Tax Code.

(d) The district may not adopt a resolution designating an area as a reinvestment zone until the district has held a public hearing on the designation and has found that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the district after the expiration of an agreement entered into under Section 7811.154 or 7811.155. At the hearing, interested persons are entitled to speak and present evidence for or against the designation. Not later than the seventh day before the date of the hearing, notice of the hearing must be:

(1) published in a newspaper having general circulation in the district; and

(2) delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone.

(e) A notice made under Subsection (d)(2) is presumed delivered when placed in the mail postage paid and properly addressed to the appropriate presiding officer. A notice properly addressed and sent by registered or certified mail for which a return receipt is received by the sender is considered to have been delivered to the addressee. (Acts 68th Leg., R.S., Ch. 1081, Secs. 16A (part), 16C.)

Sec. 7811.152. CRITERIA FOR REINVESTMENT ZONE. To be designated as a reinvestment zone under this subchapter, an area must be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the district. (Acts 68th Leg., R.S., Ch. 1081, Sec. 16D(a).)

Sec. 7811.153. EXPIRATION OF REINVESTMENT ZONE. The designation of a reinvestment zone for commercial-industrial or residential tax abatement expires five years after the date of the designation and may be renewed for periods not to exceed five years. The expiration of the designation does not affect an existing tax abatement agree-

ment governed by this subchapter. (Acts 68th Leg., R.S., Ch. 1081, Sec. 16D(b).)

Sec. 7811.154. TAX ABATEMENT AGREEMENT. (a) The district may enter into a tax abatement agreement by agreeing, in writing, with the owner of taxable real property that is located in a reinvestment zone to exempt from taxation a portion of the value of the real property or of tangible personal property located on the real property, or both, for a period not to exceed 30 years, on the condition that the owner of the property make specific improvements or repairs to the property.

(b) The real property covered by the agreement may not be located in an improvement project financed by tax increment bonds.

(c) The agreement is subject to the rights of holders of outstanding bonds of the district.

(d) The agreement may:

(1) provide for the exemption of the real property in each year covered by the agreement only to the extent its value for that year exceeds its value for the year in which the agreement is executed;

(2) provide for the exemption of tangible personal property located on the real property in each year covered by the agreement other than tangible personal property that was located on the real property at any time before the period covered by the agreement with the district; and

(3) cover more than one commercial-industrial or residential project. (Acts 68th Leg., R.S., Ch. 1081, Secs. 16A (part), 16E(a).)

Sec. 7811.155. TAX ABATEMENT AGREEMENT: CERTIFICATED AIR CARRIER. (a) The district may enter into a tax abatement agreement by agreeing, in writing, with the owner or lessee of real property that is located in a reinvestment zone to exempt from taxation for a period not to exceed 30 years a portion of the value of the real property or of personal property, or both, located in the zone and owned or leased by a certificated air carrier on the condition that the certificated air carrier:

(1) make specific real property improvements; or

(2) lease, for a term of 30 years or more, real property improvements located in the reinvestment zone.

(b) The agreement may provide for the exemption of the:

(1) real property in each year covered by the agreement to the extent its value for that year exceeds its value for the year in which the agreement is executed; and

(2) personal property owned or leased by a certificated air carrier located in the reinvestment zone in each year covered by the agreement other than specific personal property that was located in the reinvestment zone at any time before the period covered by the agreement with the district. (Acts 68th Leg., R.S., Ch. 1081, Secs. 16A (part), 16E(d).)

Sec. 7811.156. TAX ABATEMENT AGREEMENT REQUIREMENTS. (a) This section applies to an agreement made under Section 7811.154 or 7811.155.

(b) The agreement must:

(1) list the kind, number, and location of all proposed improvements of the property; and

(2) provide for:

(A) the availability of tax abatement for both new facilities and structures and for the expansion or modernization of existing facilities and structures; and

(B) recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement.

(c) A tax abatement agreement is not required to contain terms identical to another tax abatement agreement that covers the same exempted property or a portion of that property.

(d) Property that is in a reinvestment zone and that is owned or leased by a director is excluded from property tax abatement.

(e) The agreement may include, at the option of the district, provisions for maps showing existing uses and conditions and proposed improvements and uses of real property in the reinvestment zone.

(f) On approval by the district, the agreement may be executed in the same manner as other contracts made by the district.

(g) The agreement applies only to taxes levied by the district and does not affect other taxing units that levy taxes on property in the district. (Acts 68th Leg., R.S., Ch. 1081, Secs. 16A (part), 16E(b), (c), (e), (f), (g) (part), (h).)

Sec. 7811.157. NOTICE OF TAX ABATEMENT AGREEMENT TO OTHER TAXING UNITS. (a) Not later than the seventh day before the date on which the district enters into an agreement under Section 7811.154 or 7811.155, the board or a designated officer or employee of the district shall deliver a written notice that the district intends to enter into the agreement to the Texas Commission on Environmental Quality and to the presiding officer of the governing body of each other taxing unit in which the property to be subject to the agreement is located. The notice must include a copy of the proposed agreement.

(b) A notice is presumed delivered when placed in the mail postage paid and properly addressed to the appropriate presiding officer. A notice properly addressed and sent by registered or certified mail for which a return receipt is received by the sender is considered to have been delivered to the addressee.

(c) Failure to deliver the notice does not affect the validity of the agreement. (Acts 68th Leg., R.S., Ch. 1081, Sec. 16F.)

Sec. 7811.158. MODIFICATION OR TERMINATION OF TAX ABATEMENT AGREEMENT. (a) At any time before the expiration of an agreement governed by this subchapter, the agreement may be modified by the parties to the agreement to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. The modification must be made by the same procedure by which the original agreement was approved and executed. The original agreement may not be modified to extend beyond 30 years from the date of the original agreement.

(b) An agreement governed by this subchapter may be terminated by the mutual consent of the parties in the same manner that the agreement was approved and executed. (Acts 68th Leg., R.S., Ch. 1081, Sec. 16G.)

Sec. 7811.159. REGISTRY OF REINVESTMENT ZONES AND TAX ABATEMENT AGREEMENTS; ASSISTANCE TO DISTRICT. (a) The Texas Economic Development and Tourism Office shall maintain a central registry of reinvestment zones governed by this subchapter and of ad valorem tax abatement agreements executed under this subchapter. Before April 1 of the year following the year in which the zone is designated or the agreement is executed, the district shall deliver to the office, the comptroller, and the Texas Commission on Environmental Quality a report that provides:

(1) for a reinvestment zone, a general description of the zone, including its size, the types of property located in it, and its duration; and

(2) for a tax abatement agreement, the parties to the agreement, a general description of the property and the improvements or repairs to be made under the agreement, the portion of the property to be exempted, and the duration of the agreement.

(b) On the request of the board or the board's president, the office may provide assistance to the district relating to the administration of this subchapter, including the designation of reinvestment zones and the adoption of tax abatement agreements. (Acts 68th Leg., R.S., Ch. 1081, Sec. 16B.)

Sec. 7811.160. PROPERTIES THAT MAY BE INCLUDED IN TAX ABATEMENT AGREEMENT. (a) The district may include in a tax abatement agreement:

(1) facilities and structures for which construction began on or after October 1, 1990, but before June 10, 1991;

(2) existing facilities and structures for which expansion or modernization construction began on or after October 1, 1990, but before June 10, 1991; and

(3) tangible personal property located on property described by Subdivision (1) or (2) in each year covered by the agreement, other than tangible personal property that was located on the property at any time before the time period covered by the agreement.

(b) A tax abatement agreement made under this section may be based on the value of the property on January 1 of the year in which the construction, expansion, or modernization of the property began. (Acts 72nd Leg., R.S., Ch. 318, Sec. 2.)

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 7811.201. DEPOSITORY. (a) The board shall designate one or more banks to serve as the depository for district money.

(b) District money shall be deposited as received in a depository bank, other than money transmitted to a bank for payment of bonds issued by the district.

(c) If district money is deposited in a depository that is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds. (Acts 68th Leg., R.S., Ch. 1081, Secs. 11(a), (b), (c).)

Sec. 7811.202. AUTHORITY TO ISSUE BONDS AND INCUR INDEBTEDNESS.

(a) The district may issue bonds and incur other indebtedness in the manner provided by Section 7803.113 and Subchapter E, Chapter 7803.

(b) The district shall file with both constituent municipalities a notice of intent to issue bonds or other indebtedness not later than the 20th day before the date of issuance. The notice must state the purpose for which the bonds or other indebtedness are issued and the approximate principal amount of the bonds or indebtedness.

(c) Before the district issues bonds or other indebtedness in an amount of more than \$500,000, the district must obtain the approval by resolution of the governing bodies of both constituent municipalities.

(d) Bonds or other indebtedness may not be sold at discount from the principal amount without the prior approval of both constituent municipalities. (Acts 68th Leg., R.S., Ch. 1081, Secs. 4(c), (d), (e).)

Sec. 7811.203. CONSTITUENT MUNICIPALITIES NOT OBLIGATED TO PAY DISTRICT OBLIGATIONS. This chapter does not authorize the lending or pledge of the credit of either constituent municipality to the bonds and other indebtedness of the district. The constituent municipalities are not obligated to pay any bonds, indebtedness, or other debt of the district. (Acts 68th Leg., R.S., Ch. 1081, Sec. 4(f).)

Sec. 7811.204. BOND ANTICIPATION NOTES. (a) In addition to all other methods of acquiring money for district purposes, the district may issue bond anticipation notes for any purpose for which district bonds have been voted or may be issued to refund outstanding bond anticipation notes and the interest on the notes being refunded.

(b) The notes may bear interest at any rate not to exceed the maximum interest rate applicable to the district's authorized bonds.

(c) The maximum amount of the notes outstanding at any one time may not exceed \$500,000 without the prior consent of both constituent municipalities.

(d) The district shall pay the notes only from the proceeds of the sale of bonds by the district. (Acts 68th Leg., R.S., Ch. 1081, Secs. 6(a), (b) (part), (c), (d).)

Sec. 7811.205. PREVIOUSLY AUTHORIZED MAINTENANCE TAXES. The district may impose a maintenance tax that has been previously authorized at an election held in the district. (Acts 68th Leg., R.S., Ch. 1081, Sec. 4(b) (part).)

SECTION 1.04. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapters 8877, 8879, 8880, 8881, 8882, 8883, 8884, 8885, 8886, 8887, and 8888 to read as follows:

CHAPTER 8877. CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

- Sec. 8877.001. DEFINITIONS
- Sec. 8877.002. NATURE OF DISTRICT
- Sec. 8877.003. FINDINGS OF PUBLIC USE AND BENEFIT
- Sec. 8877.004. DISTRICT TERRITORY
- Sec. 8877.005. CONFLICTS OF LAW

SUBCHAPTER B. BOARD OF DIRECTORS

- Sec. 8877.051. COMPOSITION OF BOARD; TERMS
- Sec. 8877.052. ELECTION OF DIRECTORS
- Sec. 8877.053. ELECTION DATE
- Sec. 8877.054. QUALIFICATIONS FOR OFFICE

SUBCHAPTER C. POWERS AND DUTIES

- Sec. 8877.101. GENERAL POWERS AND DUTIES

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

- Sec. 8877.151. MAINTENANCE AND OPERATION TAX

CHAPTER 8877. CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

- Sec. 8877.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.

- (3) "District" means the Clearwater Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 524, Secs. 1(a) (part), 2; New.)

Sec. 8877.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Bell County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 524, Secs. 1(a) (part), (b), 3 (part).)

Sec. 8877.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 524, Sec. 5.)

Sec. 8877.004. DISTRICT TERRITORY. The district includes the territory located in Bell County unless the district's territory has been modified under:

- (1) Subchapter J or K, Chapter 36, Water Code; or
- (2) other law. (Acts 71st Leg., R.S., Ch. 524, Sec. 3; New.)

Sec. 8877.005. CONFLICTS OF LAW. This chapter prevails over any provision of general law that is in conflict or inconsistent with this chapter. (Acts 71st Leg., R.S., Ch. 524, Sec. 6(a) (part).)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8877.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8877.052(d), directors serve staggered four-year

terms. (Acts 71st Leg., R.S., Ch. 524, Secs. 7(a), (d), 10(e) (part).)

Sec. 8877.052. ELECTION OF DIRECTORS. (a) Directors are elected according to the commissioners precinct method as provided by this section.

(b) One director is elected by the voters of the entire district. One director is elected from each county commissioners precinct by the voters of that precinct.

(c) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent; or

(2) that the person seeks to represent the district at large.

(d) At the first election after the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, four new directors shall be elected to represent the newly redrawn precincts. The directors from precincts one and three shall be elected for two-year terms. The directors from precincts two and four shall be elected for four-year terms. When the directors elected from the new precincts take office, the terms of the directors elected from the previous precincts expire. (Acts 71st Leg., R.S., Ch. 524, Secs. 10(a), (b), (d), (f).)

Sec. 8877.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in November of each even-numbered year. (Acts 71st Leg., R.S., Ch. 524, Sec. 10(e) (part).)

Sec. 8877.054. QUALIFICATIONS FOR OFFICE. (a) To be qualified to be a candidate for or to serve as director at large, a person must be a registered voter in the district.

(b) To be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct. (Acts 71st Leg., R.S., Ch. 524, Sec. 10(c).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8877.101. GENERAL POWERS AND DUTIES. The district has all of the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 524, Sec. 6(a) (part).)

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8877.151. MAINTENANCE AND OPERATION TAX. (a) Except as provided by Subsection (b), the district may impose an ad valorem tax at a rate not to exceed five cents on each \$100 of valuation of property in the district to pay for the maintenance and operation of the district on approval of a majority of the voters of the district at an election held for that purpose.

(b) The board may increase the maximum amount of ad valorem taxes that may be imposed in the district:

(1) if the board determines that the maximum tax authorized by Subsection (a) is not sufficient to pay the maintenance and operating expenses of the district; and

(2) on approval of a majority of the voters of the district voting at an election held for that purpose.

(c) The maximum amount of taxes that may be authorized under this section may not exceed 25 cents on each \$100 of valuation of property in the district. (Acts 71st Leg., R.S., Ch. 524, Secs. 11(a), (b).)

CHAPTER 8879. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8879.001. DEFINITIONS

Sec. 8879.002. NATURE OF DISTRICT

- Sec. 8879.003. FINDINGS OF PUBLIC USE AND BENEFIT
- Sec. 8879.004. DISTRICT TERRITORY
- Sec. 8879.005. LOCATION OF DISTRICT ELECTIONS
- Sec. 8879.006. CONFLICTS OF LAW

SUBCHAPTER B. BOARD OF DIRECTORS

- Sec. 8879.051. COMPOSITION OF BOARD; TERMS
- Sec. 8879.052. ELECTION DATE
- Sec. 8879.053. DISQUALIFICATION OF DIRECTORS

SUBCHAPTER C. POWERS AND DUTIES

- Sec. 8879.101. GENERAL POWERS AND DUTIES

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

- Sec. 8879.151. LIMITATION ON AD VALOREM TAX RATE
- Sec. 8879.152. ELECTION TO INCREASE AD VALOREM TAX RATE

CHAPTER 8879. CROCKETT COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

- Sec. 8879.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Crockett County Groundwater Conservation District. (Acts 71st Leg., R.S., Ch. 712, Sec. 2; New.)

Sec. 8879.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Crockett County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 712, Secs. 1(a) (part), (b).)

Sec. 8879.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 712, Sec. 5.)

Sec. 8879.004. DISTRICT TERRITORY. (a) The district is composed of the territory in Crockett County other than the tract of land described by metes and bounds in Section 3, Chapter 712, Acts of the 71st Legislature, Regular Session, 1989, as that territory may have been modified under:

- (1) Subchapter J or K, Chapter 36, Water Code; or
- (2) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

- (1) the district's organization, existence, or validity;
- (2) the district's right to impose taxes; or
- (3) the legality or operation of the district or its governing body. (Acts 71st Leg., R.S., Ch. 712, Secs. 3 (part), 4; New.)

Sec. 8879.005. LOCATION OF DISTRICT ELECTIONS. A district election may be held at any location in Crockett County. (Acts 71st Leg., R.S., Ch. 712, Sec. 10B.)

Sec. 8879.006. CONFLICTS OF LAW. This chapter prevails over any provision of

general law that is in conflict or inconsistent with this chapter. (Acts 71st Leg., R.S., Ch. 712, Sec. 6(a) (part).)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8879.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five elected directors.

(b) Directors serve staggered four-year terms, with the terms of two or three directors expiring December 1 of each even-numbered year. (Acts 71st Leg., R.S., Ch. 712, Secs. 7(a), (d), 10A (part).)

Sec. 8879.052. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in November of each even-numbered year. (Acts 71st Leg., R.S., Ch. 712, Sec. 10A.)

Sec. 8879.053. DISQUALIFICATION OF DIRECTORS. Notwithstanding Sections 49.001 and 49.002(b), Water Code, Section 49.052, Water Code, applies to a director. (Acts 71st Leg., R.S., Ch. 712, Sec. 7(a-1).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8879.101. GENERAL POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36 and Subchapters H and I, Chapter 49, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 712, Sec. 6(a) (part).)

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8879.151. LIMITATION ON AD VALOREM TAX RATE. Except as provided by Section 8879.152, the rate of an ad valorem tax imposed by the district under Chapter 36, Water Code, may not exceed five cents on each \$100 of assessed valuation. (Acts 71st Leg., R.S., Ch. 712, Sec. 11(a); New.)

Sec. 8879.152. ELECTION TO INCREASE AD VALOREM TAX RATE. (a) If at a regular meeting of the board, the board determines that the district ad valorem tax is no longer sufficient, the board may hold an election to approve an increase in the district's tax rate not to exceed an additional five cents on each \$100 of assessed valuation above the rate specified by Section 8879.151.

(b) If a majority of the voters favor the increase in the district's tax rate, the district may impose an ad valorem tax at the increased rate. (Acts 71st Leg., R.S., Ch. 712, Sec. 11(b).)

CHAPTER 8880. GONZALES COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8880.001. DEFINITIONS

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8880.051. SINGLE-MEMBER DIRECTOR PRECINCTS

CHAPTER 8880. GONZALES COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8880.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Gonzales County Underground Water Conservation District. (Acts 74th Leg., R.S., Ch. 368, Sec. 1; New.)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8880.051. SINGLE-MEMBER DIRECTOR PRECINCTS. (a) The board may divide the district into five single-member director precincts of substantially equal population for the purpose of electing directors.

(b) Notwithstanding Section 36.059(b), Water Code, the board may divide territory contained in a municipal corporation in the district into as many precincts as necessary to obtain precincts of substantially equal population. (Acts 74th Leg., R.S., Ch. 368, Sec. 2.)

CHAPTER 8881. MESA UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8881.001. DEFINITIONS

Sec. 8881.002. NATURE OF DISTRICT

Sec. 8881.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8881.004. DISTRICT TERRITORY

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8881.051. COMPOSITION OF BOARD; TERMS

Sec. 8881.052. ELECTION OF DIRECTORS

Sec. 8881.053. ELECTION DATE

Sec. 8881.054. QUALIFICATIONS FOR OFFICE

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8881.101. GENERAL POWERS AND DUTIES

Sec. 8881.102. CONTRACT AUTHORITY OF DISTRICT

Sec. 8881.103. ANNEXATION OF TERRITORY

CHAPTER 8881. MESA UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8881.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Mesa Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 669, Secs. 1(a) (part), 2; New.)

Sec. 8881.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Dawson County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 669, Secs. 1(a) (part), (b).)

Sec. 8881.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 669, Sec. 5.)

Sec. 8881.004. DISTRICT TERRITORY. The district includes the territory located in Dawson County, unless the district's territory has been modified under:

(1) Section 8881.103 of this chapter or its predecessor statute, former Section 11(c), Chapter 669, Acts of the 71st Legislature, Regular Session, 1989; or

(2) other law. (Acts 71st Leg., R.S., Ch. 669, Sec. 3; New.)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8881.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five elected directors.

(b) Directors serve staggered four-year terms. (Acts 71st Leg., R.S., Ch. 669, Secs. 7(a) (part), (b) (part), (e).)

Sec. 8881.052. ELECTION OF DIRECTORS. One director is elected from each county commissioners precinct in Dawson County and one director is elected from the district at large. (Acts 71st Leg., R.S., Ch. 669, Sec. 7(b) (part).)

Sec. 8881.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in May of each even-numbered year or another date authorized by law. (Acts 71st Leg., R.S., Ch. 669, Sec. 10; New.)

Sec. 8881.054. QUALIFICATIONS FOR OFFICE. (a) A director must be 18 years of age or older.

(b) To represent a county commissioners precinct, the director must be a resident of that precinct. (Acts 71st Leg., R.S., Ch. 669, Secs. 7(a) (part), (b) (part).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8881.101. GENERAL POWERS AND DUTIES. The district has all of the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 669, Sec. 6(a) (part).)

Sec. 8881.102. CONTRACT AUTHORITY OF DISTRICT. (a) The district may contract for, sell, and distribute water from a water import authority or other agency.

(b) The district may contract with other districts that have powers similar to those of the district to achieve common goals. (Acts 71st Leg., R.S., Ch. 669, Secs. 11(a), (b).)

Sec. 8881.103. ANNEXATION OF TERRITORY. (a) Territory may be added to the district under:

(1) Subchapter J, Chapter 49, Water Code; or

(2) Subchapter O, Chapter 51, Water Code.

(b) If the district annexes territory, the board shall determine the precincts to which annexed territory is added for the purpose of electing directors. (Acts 71st Leg., R.S., Ch. 669, Sec. 11(c); New.)

CHAPTER 8882. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8882.001. DEFINITIONS

Sec. 8882.002. NATURE OF DISTRICT

Sec. 8882.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8882.004. DISTRICT TERRITORY

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8882.051. COMPOSITION OF BOARD; TERMS

Sec. 8882.052. ELECTION DATE

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8882.101. GENERAL POWERS AND DUTIES

CHAPTER 8882. SANDY LAND UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8882.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Sandy Land Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 673, Secs. 1(a) (part), 2; New.)

Sec. 8882.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Yoakum County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 673, Secs. 1(a) (part), (b).)

Sec. 8882.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 673, Sec. 5.)

Sec. 8882.004. DISTRICT TERRITORY. The district includes the territory located in Yoakum County unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law. (Acts 71st Leg., R.S., Ch. 673, Sec. 3; New.)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8882.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 71st Leg., R.S., Ch. 673, Secs. 7(a), (d).)

Sec. 8882.052. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in May of every other year or another date authorized by law. (Acts 71st Leg., R.S., Ch. 673, Sec. 10; New.)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8882.101. GENERAL POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapters 36 and 50, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 673, Sec. 6(a) (part).)

CHAPTER 8883. SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8883.001. DEFINITIONS

Sec. 8883.002. NATURE OF DISTRICT

Sec. 8883.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8883.004. DISTRICT TERRITORY

Sec. 8883.005. OWNERSHIP OF GROUNDWATER AND SURFACE WATER RIGHTS

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8883.051. COMPOSITION OF BOARD; TERMS

Sec. 8883.052. ELIGIBILITY AND ELECTION OF DIRECTORS

Sec. 8883.053. ELECTION DATE

Sec. 8883.054. COMPENSATION; EXPENSES

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8883.101. GENERAL POWERS AND DUTIES

Sec. 8883.102. PAYMENT OF CERTAIN EXPENSES

Sec. 8883.103. APPEARANCE BEFORE RAILROAD COMMISSION

Sec. 8883.104. PROHIBITION: SUPPLY OF WATER

CHAPTER 8883. SANTA RITA UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8883.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Santa Rita Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 653, Secs. 1(a) (part), 2; New.)

Sec. 8883.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Reagan County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 653, Secs. 1(a) (part), (b).)

Sec. 8883.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 653, Sec. 5.)

Sec. 8883.004. DISTRICT TERRITORY. (a) Except as provided by Subsection (b), the district includes the territory in Reagan County unless the district's territory has been modified under:

(1) Subchapter J or K, Chapter 36, Water Code; or

(2) other law.

(b) The district does not include any territory that was annexed into the Glasscock County Underground Water Conservation District under the then applicable annexation provisions of Chapter 51, Water Code, before June 14, 1989. (Acts 71st Leg., R.S., Ch. 653, Secs. 3, 14(a); New.)

Sec. 8883.005. OWNERSHIP OF GROUNDWATER AND SURFACE WATER RIGHTS. The ownership and rights of the owner of land, the owner's lessees, and assigns in groundwater and any surface water rights are recognized, and this chapter does not deprive or divest the owner, the owner's lessees, or assigns of those ownership rights. (Acts 71st Leg., R.S., Ch. 653, Sec. 11(c).)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8883.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 71st Leg., R.S., Ch. 653, Secs. 7(a) (part), (c).)

Sec. 8883.052. ELIGIBILITY AND ELECTION OF DIRECTORS. (a) A director must be:

(1) 18 years of age or older; and

(2) a resident of the district.

(b) One director is elected from each county commissioner precinct. One director is elected at large.

(c) Section 141.001(a)(5), Election Code, and Section 36.059(b), Water Code, do not apply to the district. (Acts 71st Leg., R.S., Ch. 653, Secs. 7(a) (part), (f), 10(a).)

Sec. 8883.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in May of each odd-numbered

year or another date authorized by law. (Acts 71st Leg., R.S., Ch. 653, Sec. 10(b); New.)

Sec. 8883.054. COMPENSATION; EXPENSES. (a) Unless the board by resolution increases the fees of office to an amount authorized by Section 36.060(a), Water Code, each director is entitled to receive for the director's services \$25 a month in compensation.

(b) Each director may be reimbursed for actual expenses incurred in the performance of official duties.

(c) The expenses described by Subsection (b) must be:

- (1) reported in the district's records; and
- (2) approved by the board. (Acts 71st Leg., R.S., Ch. 653, Sec. 11(a); New.)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8883.101. GENERAL POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 653, Sec. 6(a) (part).)

Sec. 8883.102. PAYMENT OF CERTAIN EXPENSES. (a) The board may pay:

- (1) all costs and expenses necessarily incurred in the creation and organization of the district;
- (2) legal fees; and
- (3) other incidental expenses.

(b) The board may reimburse a person for money advanced for a purpose described by Subsection (a). (Acts 71st Leg., R.S., Ch. 653, Sec. 11(d).)

Sec. 8883.103. APPEARANCE BEFORE RAILROAD COMMISSION. The district, through the directors or the district's general manager, may appear before the Railroad Commission of Texas and present evidence and information relating to a pending permit application for an injection well to be located in the district. (Acts 71st Leg., R.S., Ch. 653, Sec. 11(b).)

Sec. 8883.104. PROHIBITION: SUPPLY OF WATER. The district may not contract to or take an action to supply groundwater inside or outside the district. (Acts 71st Leg., R.S., Ch. 653, Sec. 11(e).)

CHAPTER 8884. SARATOGA UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

- Sec. 8884.001. DEFINITIONS
- Sec. 8884.002. NATURE OF DISTRICT
- Sec. 8884.003. FINDINGS OF PUBLIC USE AND BENEFIT
- Sec. 8884.004. DISTRICT TERRITORY

SUBCHAPTER B. BOARD OF DIRECTORS

- Sec. 8884.051. COMPOSITION OF BOARD; TERMS
- Sec. 8884.052. ELECTION OF DIRECTORS
- Sec. 8884.053. ELECTION DATE
- Sec. 8884.054. QUALIFICATIONS FOR OFFICE

SUBCHAPTER C. POWERS AND DUTIES

- Sec. 8884.101. GENERAL POWERS AND DUTIES

CHAPTER 8884. SARATOGA UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8884.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Saratoga Underground Water Conservation District. (Acts 71st Leg., R.S., Ch. 519, Secs. 1(a) (part), 2; New.)

Sec. 8884.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Lampasas County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 519, Secs. 1(a) (part), (b).)

Sec. 8884.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 519, Sec. 5.)

Sec. 8884.004. DISTRICT TERRITORY. The district includes the territory located in Lampasas County, unless the district's territory has been modified under:

- (1) Subchapter J or K, Chapter 36, Water Code; or
- (2) other law. (Acts 71st Leg., R.S., Ch. 519, Sec. 3; New.)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8884.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five elected directors.

(b) Directors serve staggered four-year terms. (Acts 71st Leg., R.S., Ch. 519, Secs. 7(a) (part), (b).)

Sec. 8884.052. ELECTION OF DIRECTORS. (a) Directors are elected according to the commissioners precinct method as provided by this section.

(b) One director is elected by the voters of the entire district. One director is elected from each county commissioners precinct by the voters of that precinct.

(c) A person shall indicate on the application for a place on the ballot:

- (1) the precinct that the person seeks to represent; or
- (2) that the person seeks to represent the district at large.

(d) When the boundaries of the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, a director in office on the effective date of the change, or elected or appointed before the effective date of the change to a term of office beginning on or after the effective date of the change, shall serve the term or the remainder of the term representing the precinct from which the person was elected or appointed even though the change in boundaries places the person's residence outside that precinct. (Acts 71st Leg., R.S., Ch. 519, Secs. 7(a) (part), (d), (f), (g).)

Sec. 8884.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in November of each even-numbered year. (Acts 71st Leg., R.S., Ch. 519, Sec. 7(c).)

Sec. 8884.054. QUALIFICATIONS FOR OFFICE. (a) Except as provided by Section 8884.052(d), to be eligible to be a candidate for or to serve as director at large, a person must be a registered voter of the district.

(b) To be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct. (Acts 71st Leg., R.S., Ch. 519, Sec. 7(e).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8884.101. GENERAL POWERS AND DUTIES. The district has the rights, pow-

ers, privileges, functions, and duties provided by the general law of this state, including Chapters 36 and 50, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 71st Leg., R.S., Ch. 519, Sec. 6(a) (part).)

CHAPTER 8885. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

- Sec. 8885.001. DEFINITIONS
- Sec. 8885.002. NATURE OF DISTRICT
- Sec. 8885.003. FINDINGS OF PUBLIC USE AND BENEFIT
- Sec. 8885.004. DISTRICT TERRITORY

SUBCHAPTER B. BOARD OF DIRECTORS

- Sec. 8885.051. COMPOSITION OF BOARD; TERMS
- Sec. 8885.052. ELECTION OF DIRECTORS
- Sec. 8885.053. ELECTION DATE
- Sec. 8885.054. QUALIFICATIONS FOR OFFICE
- Sec. 8885.055. BOARD VACANCY

SUBCHAPTER C. POWERS AND DUTIES

- Sec. 8885.101. GENERAL POWERS AND DUTIES

CHAPTER 8885. SOUTH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

- Sec. 8885.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the South Plains Underground Water Conservation District. (Acts 72nd Leg., R.S., Ch. 46, Secs. 1(a) (part), 2; New.)

Sec. 8885.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Terry County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 72nd Leg., R.S., Ch. 46, Secs. 1(a) (part), (b).)

Sec. 8885.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 72nd Leg., R.S., Ch. 46, Sec. 4.)

Sec. 8885.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Terry County, unless the district's territory has been modified under:

- (1) Subchapter J or K, Chapter 36, Water Code; or
- (2) other law. (Acts 72nd Leg., R.S., Ch. 46, Sec. 3; New.)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8885.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms. (Acts 72nd Leg., R.S., Ch. 46, Secs. 7(a),

8(c).)

Sec. 8885.052. ELECTION OF DIRECTORS. (a) Directors are elected according to the commissioners precinct method as provided by this section.

(b) One director is elected by the voters of the entire district. One director is elected from each county commissioners precinct by the voters of that precinct.

(c) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent; or

(2) that the person seeks to represent the district at large.

(d) At the first election after the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, four new directors shall be elected to represent the precincts. The directors shall draw lots to determine their terms. (Acts 72nd Leg., R.S., Ch. 46, Sec. 6.)

Sec. 8885.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date in May of each even-numbered year or another date authorized by law. (Acts 72nd Leg., R.S., Ch. 46, Sec. 11; New.)

Sec. 8885.054. QUALIFICATIONS FOR OFFICE. To be eligible to serve as director, a person must be a registered voter in:

(1) the precinct from which the person is elected or appointed if representing a precinct; or

(2) the district if representing the district at large. (Acts 72nd Leg., R.S., Ch. 46, Sec. 7(c).)

Sec. 8885.055. BOARD VACANCY. (a) The board shall appoint a replacement to fill a vacancy in the office of any director.

(b) The appointed replacement serves until the next directors' election.

(c) If the position is not scheduled to be filled at the election, the person elected to fill the position serves only for the remainder of the unexpired term. (Acts 72nd Leg., R.S., Ch. 46, Sec. 7(b).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8885.101. GENERAL POWERS AND DUTIES. The district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. (Acts 72nd Leg., R.S., Ch. 46, Sec. 5(a) (part).)

CHAPTER 8886. SUTTON COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8886.001. DEFINITIONS

Sec. 8886.002. NATURE OF DISTRICT

Sec. 8886.003. FINDINGS OF PUBLIC USE AND BENEFIT

Sec. 8886.004. CONFLICTS OF LAW

SUBCHAPTER B. TERRITORY

Sec. 8886.051. DISTRICT TERRITORY

Sec. 8886.052. LAND EXCLUSION

Sec. 8886.053. ANNEXATION OF TERRITORY

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8886.101. COMPOSITION OF BOARD; TERMS

Sec. 8886.102. ELECTION OF DIRECTORS

Sec. 8886.103. ELECTION DATE

Sec. 8886.104. QUALIFICATIONS FOR OFFICE

SUBCHAPTER D. POWERS AND DUTIES

Sec. 8886.151. GENERAL POWERS AND DUTIES

Sec. 8886.152. ADMINISTRATIVE PROCEDURES

Sec. 8886.153. WELL PERMITS

Sec. 8886.154. WELL SPACING AND PRODUCTION

Sec. 8886.155. LOGS

Sec. 8886.156. AVAILABLE GROUNDWATER

Sec. 8886.157. SURVEYS

Sec. 8886.158. RESEARCH AND DETERMINATIONS REGARDING GROUNDWATER
WITHDRAWAL

Sec. 8886.159. COLLECTION AND PRESERVATION OF INFORMATION

Sec. 8886.160. CONTRACT FOR SALE AND DISTRIBUTION OF WATER

Sec. 8886.161. ACQUISITION OF LAND

Sec. 8886.162. ELECTIONS

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8886.201. TAX AND BOND PROVISIONS

SUBCHAPTER F. DISSOLUTION OF DISTRICT

Sec. 8886.251. DISSOLUTION OF DISTRICT

**CHAPTER 8886. SUTTON COUNTY UNDERGROUND WATER CONSERVATION
DISTRICT**

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8886.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Sutton County Underground Water Conservation District.
(Acts 69th Leg., R.S., Ch. 377, Sec. 3; New.)

Sec. 8886.002. NATURE OF DISTRICT. The district is created under Section 59, Article XVI, Texas Constitution, to provide for the conservation, preservation, protection, recharge, and prevention of waste of the groundwater reservoirs located under district land, consistent with the objectives of Section 59, Article XVI, Texas Constitution, and Chapters 36 and 51, Water Code. (Acts 69th Leg., R.S., Ch. 377, Secs. 1 (part), 6.)

Sec. 8886.003. FINDINGS OF PUBLIC USE AND BENEFIT. The legislature finds that:

(1) the organization of the district is feasible and practicable;

(2) the land to be included in and the residents of the district will benefit from the creation of the district;

(3) there is a public necessity for the district; and

(4) the creation of the district will further the public welfare. (Acts 69th Leg., R.S., Ch. 377, Sec. 4.)

Sec. 8886.004. CONFLICTS OF LAW. (a) Except as otherwise provided by this chapter, if there is a conflict between this chapter and Chapter 49, 51, or 36, Water Code, this chapter controls.

(b) If there is a conflict between Chapter 49 or 51, Water Code, and Chapter 36, Water Code, Chapter 36 controls. (Acts 69th Leg., R.S., Ch. 377, Sec. 17.)

SUBCHAPTER B. TERRITORY

Sec. 8886.051. DISTRICT TERRITORY. The district is composed of the territory in Sutton County, other than the territory in Sections 60, 67, and 90, Block No. A, HE&WTRyCoSurvey, Sutton County, unless the district's territory has been modified under:

- (1) Section 8886.052 or 8886.053 of this chapter or their predecessor statutes, former Section 11 or 14, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985; or
- (2) other law. (Acts 69th Leg., R.S., Ch. 377, Sec. 5; New.)

Sec. 8886.052. LAND EXCLUSION. Land may be excluded from the district in accordance with the procedures prescribed in Sections 49.303–49.308, Water Code. (Acts 69th Leg., R.S., Ch. 377, Sec. 11.)

Sec. 8886.053. ANNEXATION OF TERRITORY. (a) Territory may be added to the district as provided by:

- (1) Subchapter J, Chapter 49, Water Code; or
- (2) Subchapter O, Chapter 51, Water Code.

(b) If the district annexes territory, the board shall determine the precincts to which annexed territory is added for the purpose of electing directors. (Acts 69th Leg., R.S., Ch. 377, Sec. 14; New.)

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8886.101. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) The directors serve staggered four-year terms. (Acts 69th Leg., R.S., Ch. 377, Secs. 15(a), (f); Acts 72nd Leg., R.S., Ch. 757, Sec. 3(b) (part).)

Sec. 8886.102. ELECTION OF DIRECTORS. One director is elected from each county commissioners precinct in Sutton County. One director is elected at large. (Acts 69th Leg., R.S., Ch. 377, Sec. 15(c).)

Sec. 8886.103. ELECTION DATE. The district shall hold an election to elect directors on the uniform election date in May of each odd-numbered year or another date authorized by law. (Acts 69th Leg., R.S., Ch. 377, Sec. 15(e); New.)

Sec. 8886.104. QUALIFICATIONS FOR OFFICE. (a) To be qualified for election as a director, a person must be:

- (1) a resident of the district; and
- (2) at least 18 years of age.

(b) To be qualified for election as a director from a precinct, a person must be a resident of the precinct from which the person is elected. (Acts 69th Leg., R.S., Ch. 377, Secs. 15(b), (d).)

SUBCHAPTER D. POWERS AND DUTIES

Sec. 8886.151. GENERAL POWERS AND DUTIES. Except as otherwise provided by this chapter, the district may exercise:

- (1) the powers essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution; and
- (2) the rights, powers, and functions provided by this chapter and Chapters 36 and 51, Water Code. (Acts 69th Leg., R.S., Ch. 377, Sec. 2.)

Sec. 8886.152. ADMINISTRATIVE PROCEDURES. Except as otherwise provided by this chapter, the administrative and procedural provisions of Chapters 36 and 51, Water Code, apply to the district. (Acts 69th Leg., R.S., Ch. 377, Sec. 8.)

Sec. 8886.153. WELL PERMITS. (a) The board may:

- (1) require a permit for drilling, equipping, or completing a well in a groundwater reservoir in the district; and

(2) issue a permit that imposes terms relating to drilling, equipping, or completing a well that are necessary to prevent waste or conserve, preserve, and protect groundwater.

(b) The board may not deny an owner of land, or the owner's heirs, assigns, and lessees, a permit to drill a well on that land or the right to produce groundwater from that well, subject to rules adopted under this chapter. (Acts 69th Leg., R.S., Ch. 377, Secs. 7(b), (c) (part).)

Sec. 8886.154. WELL SPACING AND PRODUCTION. To minimize as far as practicable the drawdown of the water table or the reduction of the artesian pressure, the board may provide for spacing wells that are producing water from a groundwater reservoir in the district and may regulate the production from those wells. (Acts 69th Leg., R.S., Ch. 377, Sec. 7(c) (part).)

Sec. 8886.155. LOGS. The board may require that:

(1) accurate driller's logs be kept of wells in any groundwater reservoir in the district; and

(2) a copy of driller's logs and of any electric logs that are made of the wells be filed with the district. (Acts 69th Leg., R.S., Ch. 377, Sec. 7(d) (part).)

Sec. 8886.156. AVAILABLE GROUNDWATER. The board shall determine the quantity of the groundwater available for production and use and the improvements, developments, and recharges that will be necessary for any groundwater reservoirs in the district. (Acts 69th Leg., R.S., Ch. 377, Sec. 7(f) (part).)

Sec. 8886.157. SURVEYS. The board may have a licensed engineer survey the groundwater of any groundwater reservoir in the district and the facilities for the development, production, and use of groundwater from any reservoir in the district. (Acts 69th Leg., R.S., Ch. 377, Sec. 7(f) (part).)

Sec. 8886.158. RESEARCH AND DETERMINATIONS REGARDING GROUNDWATER WITHDRAWAL. The district may carry out research projects, develop information, and determine limitations, if any, that should be placed on the withdrawal of groundwater. (Acts 69th Leg., R.S., Ch. 377, Sec. 7(h).)

Sec. 8886.159. COLLECTION AND PRESERVATION OF INFORMATION. The district may collect and preserve information regarding the use of the groundwater and the practicability of recharge of a groundwater reservoir in the district. (Acts 69th Leg., R.S., Ch. 377, Sec. 7(i).)

Sec. 8886.160. CONTRACT FOR SALE AND DISTRIBUTION OF WATER. The district may contract for, sell, and distribute water from a water import authority or other agency. (Acts 69th Leg., R.S., Ch. 377, Sec. 7(k).)

Sec. 8886.161. ACQUISITION OF LAND. The board may acquire land to:

(1) erect a dam;

(2) drain a lake, draw, depression, or creek; and

(3) install pumps and other equipment necessary to recharge a groundwater reservoir in the district. (Acts 69th Leg., R.S., Ch. 377, Sec. 7(e).)

Sec. 8886.162. ELECTIONS. The district shall conduct elections in the manner provided by Chapter 51, Water Code. (Acts 69th Leg., R.S., Ch. 377, Sec. 16 (part).)

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8886.201. TAX AND BOND PROVISIONS. (a) Except as otherwise provided by this chapter, the tax and bond provisions of Chapters 36 and 51, Water Code, apply to the district.

(b) On approval of the majority of the voters in an election called for that purpose, the district may impose an ad valorem tax to pay the principal of and interest on bonds and to maintain the district. The tax approved under this subsection may not exceed five cents on each \$100 of assessed valuation.

(c) At a regular meeting of the board, if the board determines that the tax imposed under Subsection (b) is no longer sufficient for the purposes stated in that subsection, the board may call an election to be held to approve the imposition of an ad valorem tax in excess of the limitation provided by Subsection (b). If a majority of the voters approve the imposition of taxes in excess of the limitation provided by Subsection (b), the district may impose taxes in the amount approved by the voters at the election called and held under this subsection. (Acts 69th Leg., R.S., Ch. 377, Secs. 12(a), (b) (part), (c).)

SUBCHAPTER F. DISSOLUTION OF DISTRICT

Sec. 8886.251. DISSOLUTION OF DISTRICT. The district may be dissolved as provided by Chapter 36, Water Code. (Acts 69th Leg., R.S., Ch. 377, Sec. 13.)

CHAPTER 8887. NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT**SUBCHAPTER A. GENERAL PROVISIONS**

- Sec. 8887.001. DEFINITIONS
- Sec. 8887.002. NATURE OF DISTRICT
- Sec. 8887.003. FINDING OF BENEFIT
- Sec. 8887.004. DISTRICT TERRITORY

SUBCHAPTER B. BOARD OF DIRECTORS

- Sec. 8887.051. TERMS
- Sec. 8887.052. ELECTION DATE

SUBCHAPTER C. POWERS AND DUTIES

- Sec. 8887.101. GENERAL POWERS AND DUTIES
- Sec. 8887.102. WELL PERMITS
- Sec. 8887.103. WELL SPACING AND PRODUCTION
- Sec. 8887.104. RECORDS AND REPORTS
- Sec. 8887.105. LOGS
- Sec. 8887.106. SURVEYS
- Sec. 8887.107. RESEARCH AND DETERMINATIONS REGARDING GROUNDWATER WITHDRAWAL
- Sec. 8887.108. COLLECTION AND PRESERVATION OF INFORMATION
- Sec. 8887.109. RULES: PREVENTION OF WASTE

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

- Sec. 8887.151. LIMITATION ON MAINTENANCE AND OPERATION TAX
- Sec. 8887.152. MAINTENANCE AND OPERATION TAX ELECTION
- Sec. 8887.153. DISTRICT DEBT

CHAPTER 8887. NORTH PLAINS GROUNDWATER CONSERVATION DISTRICT**SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 8887.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.

(3) "District" means the North Plains Groundwater Conservation District. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part); New.)

Sec. 8887.002. NATURE OF DISTRICT. The district is a groundwater conservation district created under Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S.,

Ch. 498, Secs. 1 (part), 4 (part).)

Sec. 8887.003. FINDING OF BENEFIT. (a) All land and other property in the district benefit from the:

- (1) creation of the district;
- (2) carrying out of the purposes for which the district was created; and
- (3) acquisition and construction of improvements to carry out those purposes.

(b) The district is necessary to carry out the purposes of Section 59, Article XVI, Texas Constitution. (Acts 54th Leg., R.S., Ch. 498, Sec. 4 (part).)

Sec. 8887.004. DISTRICT TERRITORY. The district is composed of the territory described by Section 1, Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, as that territory may have been modified under:

- (1) Subchapter J or K, Chapter 36, Water Code; or
- (2) other law. (Acts 54th Leg., R.S., Ch. 498, Sec. 1 (part); New.)

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8887.051. TERMS. Directors serve staggered four-year terms. (Acts 54th Leg., R.S., Ch. 498, Sec. 1A(a).)

Sec. 8887.052. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on a uniform election date in each even-numbered year. (Acts 54th Leg., R.S., Ch. 498, Sec. 1A(b).)

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8887.101. GENERAL POWERS AND DUTIES. The district has all of the rights, powers, privileges, and duties provided by general law applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution, and Chapter 36, Water Code. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.102. WELL PERMITS. (a) The district may:

- (1) require a permit for drilling, equipping, or completing a well in a groundwater reservoir in the district; and
- (2) issue a permit subject to terms relating to drilling, equipping, or completing a well that are necessary to prevent waste or contamination.

(b) The district may not deny an owner of land, or the owner's heirs, assigns, and lessees, a permit to drill a well on that land or to produce groundwater from that well subject to rules adopted to prevent waste or contamination. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.103. WELL SPACING AND PRODUCTION. To minimize as far as practicable the drawdown of the water table or the reduction of the artesian pressure, the district may provide for the spacing of wells producing from a groundwater reservoir or a subdivision of a groundwater reservoir in the district and regulate the production from those wells. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.104. RECORDS AND REPORTS. The district may require that records be kept and reports be made of the drilling, equipping, and completion of a well in a groundwater reservoir or a subdivision of a groundwater reservoir in the district and the taking and use of groundwater from those reservoirs or subdivisions of those reservoirs. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.105. LOGS. The district may require that:

- (1) accurate driller's logs be kept of the drilling, equipping, and completion of a well in a groundwater reservoir or a subdivision of a groundwater reservoir in the district; and
- (2) a copy of a driller's log and of any electric log that is made of the well be filed with the district. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.106. SURVEYS. The district may have a licensed engineer or qualified

groundwater scientist survey the groundwater of a groundwater reservoir or a subdivision of a groundwater reservoir in the district and the facilities for the development, production, and use of that groundwater to determine the:

- (1) quantity of the groundwater available for production and use; and
- (2) improvements, developments, and recharges needed for the groundwater reservoir or subdivision of a groundwater reservoir. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.107. RESEARCH AND DETERMINATIONS REGARDING GROUNDWATER WITHDRAWAL. The district may carry out research projects, develop information, and determine limitations, if any, that should be made on the withdrawal of water from a groundwater reservoir or a subdivision of a groundwater reservoir in the district. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.108. COLLECTION AND PRESERVATION OF INFORMATION. The district may collect and preserve information regarding the use of groundwater and the practicability of recharge of a groundwater reservoir or a subdivision of a groundwater reservoir in the district. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.109. RULES: PREVENTION OF WASTE. (a) In this section, "waste" has the meaning assigned by Section 36.001, Water Code.

(b) The district may adopt and enforce rules to prevent the waste of the groundwater of any groundwater reservoir or subdivision of a groundwater reservoir in the district. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8887.151. LIMITATION ON MAINTENANCE AND OPERATION TAX. To pay the maintenance and operating expenses of the district, including the maintenance of its installations and activities, the district may impose ad valorem taxes annually at a rate not to exceed five cents on each \$100 of assessed valuation on property in the district subject to taxation. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.152. MAINTENANCE AND OPERATION TAX ELECTION. The district may order an election to impose taxes for the maintenance of the district and its installations and activities. The election must be held as is provided for elections authorizing the issuance of bonds. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

Sec. 8887.153. DISTRICT DEBT. The district may incur all indebtedness necessary to the achievement of the purposes for which the district is created. (Acts 54th Leg., R.S., Ch. 498, Sec. 2 (part).)

CHAPTER 8888. NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

- Sec. 8888.001. DEFINITIONS
- Sec. 8888.002. NATURE OF AUTHORITY
- Sec. 8888.003. FINDINGS OF PUBLIC USE AND BENEFIT
- Sec. 8888.004. DISTRICTS IN AUTHORITY'S BOUNDARIES
- Sec. 8888.005. APPLICABILITY OF OTHER LAW

SUBCHAPTER B. TERRITORY

- Sec. 8888.051. AUTHORITY TERRITORY
- Sec. 8888.052. LOCAL GOVERNMENT ANNEXATION
- Sec. 8888.053. ADDITION OF WATER SYSTEM SERVICE AREA
- Sec. 8888.054. INCLUSION OF CERTAIN TERRITORY

SUBCHAPTER C. AUTHORITY ADMINISTRATION

- Sec. 8888.101. COMPOSITION OF BOARD

- Sec. 8888.102. ELECTION OF DIRECTORS
- Sec. 8888.103. ELECTION DATE
- Sec. 8888.104. QUALIFICATION FOR OFFICE
- Sec. 8888.105. BOARD VACANCY
- Sec. 8888.106. MEETINGS
- Sec. 8888.107. GENERAL MANAGER
- Sec. 8888.108. EMPLOYEES
- Sec. 8888.109. FIDELITY BOND

SUBCHAPTER D. POWERS AND DUTIES

- Sec. 8888.151. GENERAL POWERS AND DUTIES
- Sec. 8888.152. ADDITIONAL POWERS
- Sec. 8888.153. AUTHORITY RULES
- Sec. 8888.154. FEES, RATES, AND CHARGES
- Sec. 8888.155. FEE AMOUNTS
- Sec. 8888.156. PRODUCTION FEES
- Sec. 8888.157. GROUNDWATER REDUCTION PLAN
- Sec. 8888.158. WATER SUPPLY AND DROUGHT CONTINGENCY PLANS
- Sec. 8888.159. ACQUISITION, CONSTRUCTION, AND OPERATION OF SYSTEMS
- Sec. 8888.160. STORAGE, SALE, OR REUSE OF WATER OR BY-PRODUCT
- Sec. 8888.161. GENERAL CONTRACTING AUTHORITY
- Sec. 8888.162. SPECIFIC CONTRACTING AUTHORITY
- Sec. 8888.163. PURCHASE OF SURPLUS PROPERTY
- Sec. 8888.164. PURCHASE OF INTEREST IN PROJECT
- Sec. 8888.165. COOPERATION WITH PUBLIC ENTITIES
- Sec. 8888.166. SURFACE WATER DELIVERY SYSTEM
- Sec. 8888.167. CONDITIONAL APPROVAL OF CONSTRUCTION PROJECTS
- Sec. 8888.168. STATEMENT OF AMOUNTS OF WATER TO BE DELIVERED
- Sec. 8888.169. EFFECT OF MUNICIPAL ANNEXATION ON FEES AND SERVICES
- Sec. 8888.170. CIVIL PENALTY; CIVIL ACTION; INJUNCTION
- Sec. 8888.171. EMINENT DOMAIN

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

- Sec. 8888.201. GIFT OR GRANT FROM SUBSIDENCE DISTRICT
- Sec. 8888.202. AUTHORIZATION OF DISBURSEMENT
- Sec. 8888.203. AD VALOREM TAX PROHIBITED
- Sec. 8888.204. COOPERATIVE FUNDING

SUBCHAPTER F. NOTES AND BONDS

- Sec. 8888.251. REVENUE NOTES
- Sec. 8888.252. REVENUE AND BOND ANTICIPATION NOTES
- Sec. 8888.253. BONDS AND NOTES
- Sec. 8888.254. BONDS SECURED BY CONTRACT PROCEEDS: APPROVAL
- Sec. 8888.255. REFUNDING BONDS
- Sec. 8888.256. VALIDITY OF BONDS AFTER ADDITION OF TERRITORY

CHAPTER 8888. NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8888.001. DEFINITIONS. In this chapter:

(1) "Agricultural crop" means:

(A) a food or fiber commodity grown for resale or commercial purposes that provides food, clothing, or animal feed; or

(B) a nursery product or florist item that is in the possession of a nursery grower.

(2) "Authority" means the North Harris County Regional Water Authority.

(3) "Board" means the authority's board of directors.

(4) "Commission" means the Texas Commission on Environmental Quality.

(5) "Director" means a member of the board.

(6) "Florist item" means a cut flower, potted plant, blooming plant, inside foliage plant, bedding plant, corsage flower, cut foliage, floral decoration, or live decorative material.

(7) "Groundwater reduction plan" means a plan adopted or implemented to supply water, reduce reliance on groundwater, regulate groundwater pumping and water usage, or require and allocate water usage among persons in order to comply with or exceed the minimum requirements imposed by the subsidence district, including any applicable groundwater reduction requirements.

(8) "Local government" means a municipality, county, special district, or other political subdivision of this state or a combination of two or more of those entities.

(9) "Nursery grower" means a person who grows, in any medium, more than 50 percent of the nursery products or florist items that the person sells or leases, regardless of the variety sold, leased, or grown. For the purposes of this definition, "grow" means the actual cultivation or propagation of the nursery product or florist item beyond the mere holding or maintaining of the item before sale or lease and typically includes activities associated with the production or multiplying of stock such as the development of new plants from cuttings, grafts, plugs, or seedlings.

(10) "Nursery product" includes a tree, shrub, vine, cutting, graft, scion, grass, bulb, or bud that is grown for, kept for, or capable of propagation and distribution for sale or lease.

(11) "Subsidence" means the lowering in elevation of the surface of land by the withdrawal of groundwater.

(12) "Subsidence district" means the Harris-Galveston Subsidence District.

(13) "System" means a network of pipelines, conduits, canals, pumping stations, force mains, and treatment plants, and any other construction, device, or related appurtenance, used to treat or transport water.

(14) "Water" includes:

(A) groundwater, percolating or otherwise;

(B) any surface water, natural or artificial, navigable or nonnavigable; and

(C) industrial and municipal wastewater. (Acts 76th Leg., R.S., Ch. 1029, Secs. 1.01(a) (part), 1.02(1), (2), (3), (4), (5), (7), (8), (9), (10), (11), (12) as added Acts 77th Leg., R.S., Ch. 232, (12) as added Acts 77th Leg., R.S., Ch. 1296, (13), (14).)

Sec. 8888.002. NATURE OF AUTHORITY. The authority is a regional water authority in Harris County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. (Acts 76th Leg., R.S., Ch. 1029, Secs. 1.01(a) (part), (b).)

Sec. 8888.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The authority is created to serve a public use and benefit.

(b) All land and other property included in the authority will benefit from the works and projects accomplished by the authority under the powers provided by this chapter. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.06.)

Sec. 8888.004. DISTRICTS IN AUTHORITY'S BOUNDARIES. A district in the authority's boundaries retains the district's separate identity, powers, and duties. The district is subject to the authority's powers and duties, including those powers and duties necessary to develop, implement, and enforce a groundwater reduction plan. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.14.)

Sec. 8888.005. APPLICABILITY OF OTHER LAW. (a) This chapter prevails over any inconsistent provision of general law.

(b) This chapter does not prevail over or preempt a provision of Chapter 8801 of this code or Chapter 36, Water Code, that is being implemented by the subsidence district.

(c) The following laws do not apply to the authority:

- (1) Chapter 36, Water Code;
- (2) Section 49.052, Water Code; and
- (3) Sections 49.451–49.455, Water Code. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.05.)

SUBCHAPTER B. TERRITORY

Sec. 8888.051. AUTHORITY TERRITORY. The authority is composed of the territory described by Sections 1.03(a), (b), (b–1), (b–2), (c), and (e), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, as that territory may have been modified under:

(1) this subchapter or the following predecessor statutes:

(A) Sections 1.03(f) and (g), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999; or

(B) Section 1.045, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999; or

(2) Subchapter J, Chapter 49, Water Code. (New.)

Sec. 8888.052. LOCAL GOVERNMENT ANNEXATION. Territory annexed by a local government located in the authority becomes territory of the authority on the effective date of the annexation unless the annexed territory is included in another local government's approved groundwater reduction plan as of the effective date of the annexation. The authority by rule may require the local government to send the authority:

(1) written notice of the effective date of an annexation; and

(2) copies of documents describing the annexed land and the new boundaries of the local government. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.03(f).)

Sec. 8888.053. ADDITION OF WATER SYSTEM SERVICE AREA. If territory is added to the service area of a person owning a water system located in the authority, the territory becomes territory of the authority on the effective date of the territory's addition to the service area unless the added territory is included in another local government's approved groundwater reduction plan as of the effective date of the addition. The authority by rule may require the person to send the authority:

(1) written notice of the effective date of an addition of territory; and

(2) copies of documents describing the added territory and the new boundaries of the person's service area. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.03(g).)

Sec. 8888.054. INCLUSION OF CERTAIN TERRITORY. (a) The board of directors of a district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, all or part of which is not included in the authority, by petition may request the district's territory to be included in the authority's territory. The petition must:

(1) be filed with the authority; and

(2) include an accurate legal description of the boundaries of the territory to be included.

(b) If the authority has bonds, notes, or other obligations outstanding, the board shall require the petitioning district to assume the district's share of the outstanding bonds, notes, or other obligations.

(c) Before the 61st day after the date the authority receives the petition, the board shall hold a hearing to consider the petition. The board may grant the petition and order the territory described in the petition to be included in the authority's territory if:

(1) it is feasible, practicable, and to the advantage of the authority; and

(2) the authority's system and other improvements of the authority are sufficient or will be sufficient to supply the added territory without injuring the territory already included in the authority.

(d) If the board grants the petition, the board shall file for recording in the office of the county clerk of Harris County:

(1) a copy of the order; and

(2) a description of the authority's boundaries as they exist after the inclusion of the territory.

(e) The order including the territory is effective immediately after the order and description are recorded.

(f) Except as provided by Subsection (g), a district that petitions to be included in the authority's territory is subject to the fees and reimbursements that are in effect at the time of the district's petition and are applicable to such a petitioner.

(g) The authority may not require a district that petitioned before January 1, 2002, to be included in the authority's territory to pay a fee to the authority for admission or reimbursement for activities the authority has undertaken since the authority's creation in the furtherance of the authority's duties and functions. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.045.)

SUBCHAPTER C. AUTHORITY ADMINISTRATION

Sec. 8888.101. COMPOSITION OF BOARD. The authority is governed by a board of five elected directors. (Acts 76th Leg., R.S., Ch. 1029, Secs. 2.01(a), 2.02(a) (part).)

Sec. 8888.102. ELECTION OF DIRECTORS. (a) One director is elected from each of five single-member voting districts by the voters of the voting district.

(b) A person shall indicate on the application for a place on the ballot the voting district the person seeks to represent.

(c) In the manner described by Section 49.103(d), Water Code, the board shall redraw the single-member voting districts as soon as practicable after each federal decennial census and as otherwise required by law.

(d) At the first election after each time the voting districts are redrawn:

(1) five new directors shall be elected to represent the single-member voting districts; and

(2) the directors elected shall draw lots to determine the directors' terms so that:

(A) two directors serve two-year terms; and

(B) three directors serve four-year terms.

(e) Subchapter C, Chapter 146, Election Code, applies to the consideration of votes for a write-in candidate for director as if the authority were a municipality. (Acts 76th Leg., R.S., Ch. 1029, Sec. 2.02.)

Sec. 8888.103. ELECTION DATE. The authority shall hold an election to elect the appropriate number of directors to the board on a uniform election date in each even-numbered year. (Acts 76th Leg., R.S., Ch. 1029, Sec. 2.06.)

Sec. 8888.104. QUALIFICATION FOR OFFICE. To be eligible to serve as a director, a person must be a qualified voter in the voting district from which the person is elected

or appointed. (Acts 76th Leg., R.S., Ch. 1029, Sec. 2.01(c).)

Sec. 8888.105. BOARD VACANCY. (a) The board shall appoint a person to fill a vacancy in the office of director.

(b) The appointed person serves until the next directors' election.

(c) If the position is not scheduled to be filled at the election, the person elected to fill the position serves only for the remainder of the unexpired term. (Acts 76th Leg., R.S., Ch. 1029, Sec. 2.01(b).)

Sec. 8888.106. MEETINGS. The board shall meet at least four times each year and may meet at any other time the board considers appropriate. (Acts 76th Leg., R.S., Ch. 1029, Sec. 3.01.)

Sec. 8888.107. GENERAL MANAGER. (a) The board shall employ a general manager to serve as the chief administrative officer of the authority. The board may delegate to the general manager the full authority to manage and operate the affairs of the authority subject only to the orders of the board.

(b) The duties of the general manager include:

- (1) administering board orders;
- (2) coordinating with state, federal, and local agencies;
- (3) overseeing development of authority plans and programs; and
- (4) performing other duties assigned by the board.

(c) The board shall determine the terms of office and employment and the compensation of the general manager.

(d) The board may discharge the general manager by a majority vote of the board. (Acts 76th Leg., R.S., Ch. 1029, Sec. 3.02.)

Sec. 8888.108. EMPLOYEES. (a) The general manager shall employ all persons necessary to properly handle authority business and operations. The general manager may employ attorneys, bookkeepers, engineers, and other expert and specialized employees the board considers necessary.

(b) The general manager shall determine the compensation to be paid by the authority.

(c) The general manager may discharge an authority employee. (Acts 76th Leg., R.S., Ch. 1029, Secs. 3.03(a), (b).)

Sec. 8888.109. FIDELITY BOND. The general manager and each authority employee or contractor who is charged with the collection, custody, or payment of any authority money shall execute a fidelity bond in an amount determined by the board and in a form and with a surety approved by the board. The authority shall pay for the bond. (Acts 76th Leg., R.S., Ch. 1029, Sec. 3.03(c).)

SUBCHAPTER D. POWERS AND DUTIES

Sec. 8888.151. GENERAL POWERS AND DUTIES. (a) The authority has the rights, powers, privileges, functions, and duties necessary and convenient to accomplish the purposes of this chapter, including those provided by Chapter 49, Water Code.

(b) The authority shall exercise its rights, powers, and privileges in a manner that will promote regionalization of water treatment and distribution. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.01(a), (d).)

Sec. 8888.152. ADDITIONAL POWERS. The authority may:

- (1) provide for the conservation, preservation, protection, recharge, and prevention of waste of groundwater in a manner consistent with the purposes of Section 59, Article XVI, Texas Constitution;
- (2) for the purposes of reducing groundwater withdrawals and subsidence, acquire or develop surface water and groundwater supplies from sources inside or outside the authority and may conserve, store, transport, treat, purify, distribute, sell, and deliver water to persons inside and outside the authority;

- (3) coordinate water services provided inside, outside, or into the authority;
- (4) provide for the reduction of groundwater withdrawals by the development, implementation, or enforcement of a groundwater reduction plan as provided by Section 8888.157;
- (5) identify sources of water other than groundwater to be provided by the authority;
- (6) specify the rates and terms under which sources of water other than groundwater will be provided by the authority, which may be changed as considered necessary by the authority;
- (7) specify the dates and extent to which each person in the authority shall accept water from the authority; and
- (8) administer and enforce this chapter. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.01(b) (part).)

Sec. 8888.153. **AUTHORITY RULES.** (a) The authority shall adopt and enforce rules reasonably required to implement this chapter, including rules governing procedures before the board.

(b) The board shall compile the authority's rules in a book and make the rules available for use and inspection at the authority's principal office. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.02.)

Sec. 8888.154. **FEES, RATES, AND CHARGES.** As necessary to enable the authority to fulfill the authority's purposes and regulatory obligations provided by this chapter, the authority may establish:

- (1) fees, rates, and charges; and
- (2) classifications of fee and rate payers. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.03(a).)

Sec. 8888.155. **FEE AMOUNTS.** Fees established by the board must be sufficient to:

- (1) achieve water conservation;
- (2) prevent waste of water;
- (3) serve as a disincentive to pumping groundwater;
- (4) accomplish the purposes of this chapter, including making available alternative water supplies;
- (5) enable the authority to meet operation and maintenance expenses; and
- (6) pay the principal of and interest on debt issued in connection with the exercise of the authority's general powers and duties. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.03(c).)

Sec. 8888.156. **PRODUCTION FEES.** (a) The authority may charge the owner of a well located in the authority a fee on the amount of water pumped from the well. The board shall establish the rate of a fee under this subsection only after a special meeting on the fee.

(b) The board by rule shall exempt from the fee established under Subsection (a) each class of wells that is not subject to a groundwater reduction requirement imposed by the subsidence district. If an exempted class of wells becomes subject to a groundwater reduction requirement imposed by the subsidence district, the authority may charge the fee established under Subsection (a) on the wells of that class. The board by rule may exempt any other class of wells from the fee established under Subsection (a).

(c) Notwithstanding any other law, the authority may charge a fee established under Subsection (a) on a well or class of wells located in the authority that, on or after June 30, 2013:

- (1) ceases to be subject to a groundwater reduction requirement imposed by the subsidence district; or
- (2) is no longer subject to the regulatory provisions, permitting requirements, or jurisdiction of the subsidence district.

- (d) The board may not apply the fee established under Subsection (a) to a well:
- (1) with a casing diameter of less than five inches that serves a single-family dwelling;
 - (2) regulated under Chapter 27, Water Code;
 - (3) used for irrigation of agricultural crops; or
 - (4) used solely for electric generation. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.03(b), (e).)

Sec. 8888.157. GROUNDWATER REDUCTION PLAN. (a) The authority may develop, implement, participate in, and enforce a groundwater reduction plan. The groundwater reduction plan is binding on persons and wells in the authority.

(b) The groundwater reduction plan may be amended at the discretion of the authority subject to the requirements and procedures of the subsidence district applicable to the amendment of groundwater reduction plans.

(c) The groundwater reduction plan may exceed the minimum requirements imposed by the subsidence district, including any applicable groundwater reduction requirements.

(d) The authority may contract on mutually agreeable terms with a person located outside the authority to allow the person to be included in the groundwater reduction plan. A contract entered into under this subsection has the same force and effect as if the person were located in the authority, except that the person is not entitled to vote in an election for members of the board. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.01(e), (f), (g), (h).)

Sec. 8888.158. WATER SUPPLY AND DROUGHT CONTINGENCY PLANS. As needed but not less frequently than every five years, the authority by rule shall develop, prepare, revise, and adopt comprehensive water supply and drought contingency plans for various areas of the authority. The plans must:

- (1) be consistent with regional planning; and
- (2) include 10-year, 20-year, and 50-year projections of water needs in the authority. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.05.)

Sec. 8888.159. ACQUISITION, CONSTRUCTION, AND OPERATION OF SYSTEMS.

(a) The authority may:

(1) by purchase, gift, lease, contract, or any other legal means, acquire and provide a water treatment or supply system, or any other work, plant, improvement, or facility necessary or convenient to accomplish the purposes of the authority, or any interest in those assets, inside or outside the authority;

(2) design, finance, or construct a water treatment or supply system, or other supply system, or any other work, plant, improvement, or facility necessary or convenient to accomplish the purposes of the authority, and provide water services inside or outside the authority;

(3) maintain, operate, lease, or sell a water treatment or supply system, or any other work, plant, improvement, or facility necessary or convenient to accomplish the purposes of the authority, that the authority constructs or acquires inside or outside the authority; or

(4) contract with a person who owns a water treatment or supply system to operate or maintain the system.

(b) The authority shall give a person outside the authority, including the City of Houston, the option to contract for available excess capacity of the authority's water treatment or supply system or, before construction of a water treatment or supply system begins, for additional capacity of the system. The authority must offer a contract that would enable the person to pay for the excess or additional capacity in accordance with the person's pro rata share of the capital investment and operational and maintenance costs for providing the excess or additional capacity. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.06.)

Sec. 8888.160. STORAGE, SALE, OR REUSE OF WATER OR BY-PRODUCT. The authority may store, sell, or reuse:

- (1) water; or
- (2) any by-product from the authority's operations. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.07.)

Sec. 8888.161. GENERAL CONTRACTING AUTHORITY. (a) The authority may enter into a contract with any person on terms the board considers desirable, fair, and advantageous for the performance of its rights and powers under this chapter.

(b) The authority may enter into a contract with any person regarding the performance of any purpose or function of the authority, including a contract to jointly construct, finance, own, or operate works, improvements, facilities, plants, equipment, or appliances necessary to accomplish a purpose or function of the authority. A contract may be of unlimited duration.

(c) Notwithstanding any inconsistent provision of general law or of a home-rule municipal charter or ordinance, the authority and a municipality may, after January 1, 2002, enter into a contract of unlimited duration. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.01(b) (part), 4.09(a), 4.10(d); Acts 78th Leg., R.S., Ch. 381, Sec. 6.)

Sec. 8888.162. SPECIFIC CONTRACTING AUTHORITY. The authority may contract for:

- (1) the purchase or sale of water or water rights;
- (2) the performance of activities within the powers of the authority to promote the continuing and orderly development of land and property in the authority through the purchase, construction, or installation of works, improvements, facilities, plants, equipment, or appliances so that, to the greatest extent possible considering sound engineering practices and economic feasibility, all the land and property in the authority may receive services of the works, improvements, facilities, plants, equipment, or appliances of the authority; or
- (3) the construction, ownership, maintenance, or operation of any works, improvements, facilities, plants, equipment, or appliances of the authority or another person. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.09(c).)

Sec. 8888.163. PURCHASE OF SURPLUS PROPERTY. (a) The authority may purchase surplus property from this state, the United States, or another public entity through a negotiated contract without bids.

(b) An officer, agent, or employee of the authority who is financially interested in a contract described by Subsection (a) shall disclose the interest to the board before the board votes on the acceptance of the contract. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.09(d), (e).)

Sec. 8888.164. PURCHASE OF INTEREST IN PROJECT. The authority may purchase an interest in a project used for a purpose or function of the authority. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.09(b).)

Sec. 8888.165. COOPERATION WITH PUBLIC ENTITIES. (a) In implementing this chapter, the board may cooperate with and request the assistance of the Texas Water Development Board, the commission, the United States Geological Survey, the subsidence district, other local governments, and other agencies of the United States and this state.

(b) The subsidence district may:

- (1) enter into an interlocal contract with the authority to carry out the authority's purposes; and
- (2) carry out the governmental functions and services specified in the interlocal contract.

(c) The board shall coordinate with the City of Houston to develop an interregional plan for a system to distribute treated surface water in an economical and efficient

manner. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.10(a), (b), (c).)

Sec. 8888.166. SURFACE WATER DELIVERY SYSTEM. (a) In this section, "surface water delivery system":

(1) includes a facility that is to be constructed and that will be:

(A) used to transport groundwater between utility districts;

(B) used temporarily to transport groundwater between utility districts if there is a reasonable probability that the facility will be used for that purpose on a permanent basis in the future; or

(C) necessary to accomplish an authority purpose, including management of water, water conservation, or water reuse; and

(2) does not include the use of the bed and banks to transport water or wastewater.

(b) The authority may expedite the financing and construction of a surface water delivery system, or other projects of the authority, to accomplish a conversion from reliance on groundwater to reliance on surface water not later than the earlier of:

(1) the date required by the subsidence district; or

(2) the date determined by the board to be in the interest of the authority or one or more districts inside or outside the authority.

(c) It is the intent of the legislature that the commission cooperate with and assist the authority in developing a surface water delivery system or other authority project in an expedited manner as provided by Subsection (b).

(d) The commission and the authority may enter into a memorandum of understanding that relates to the construction of a surface water delivery system. The memorandum of understanding may:

(1) establish standard procedures for the commission to grant conditional or final approval of authority construction projects;

(2) establish standing waivers or conditions applicable to those construction projects;

(3) delegate powers to the authority to carry out any commission duty relating to an activity that the authority may undertake if the delegation:

(A) does not violate federal law; and

(B) is not inconsistent with any agreement of this state with, or any delegation of authority to this state from, the United States Environmental Protection Agency;

(4) set minimum standards for construction or other projects; or

(5) address any other matter that relates to an activity that the authority may undertake and that the commission may regulate. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.10(e), (f), (g) (part), (j).)

Sec. 8888.167. CONDITIONAL APPROVAL OF CONSTRUCTION PROJECTS.

(a) The commission may grant conditional approval of a construction project or waive a requirement of any law or commission rule with respect to a construction project if the conditional approval or waiver does not compromise public health or safety.

(b) If the commission grants conditional approval of or a waiver for a construction project, the authority shall make any subsequent changes required by the commission in the construction project necessary to protect the public health or safety.

(c) The commission may not require that the authority enter into a contract with another person as a condition for approving an authority construction project. The authority may meet the authority's obligations under commission rules that require certain issues to be addressed by contract by adopting rules that address the commission issues and that allocate responsibility as necessary between the authority and a person in the authority. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.10(g) (part), (h), (i).)

Sec. 8888.168. STATEMENT OF AMOUNTS OF WATER TO BE DELIVERED. To

comply with commission rules that would require the authority to state specific amounts of water that may or will be provided to another entity receiving water from the authority, the authority may state the amount in ranges that the authority may change on prompt notification to the commission. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.10(k).)

Sec. 8888.169. EFFECT OF MUNICIPAL ANNEXATION ON FEES AND SERVICES.

(a) Except to the extent the authority agrees in writing, a municipality's annexation of territory that is in the authority does not affect the authority's ability to assess and collect inside the annexed territory the types of fees, rates, charges, or special assessments that the authority was assessing and collecting at the time the municipality initiated the annexation.

(b) The authority's ability to assess and collect the types of fees, rates, charges, or special assessments described by Subsection (a) terminates on the later of:

(1) the date of final payment or defeasance of any bonds or other indebtedness, including any refunding bonds, that are secured by those fees, rates, charges, or special assessments; or

(2) the date that the authority no longer provides services inside the annexed territory.

(c) The authority shall continue to provide services to the annexed territory in accordance with contracts in effect at the time of the annexation unless a written agreement between the board and the governing body of the municipality provides otherwise. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.03(d).)

Sec. 8888.170. CIVIL PENALTY; CIVIL ACTION; INJUNCTION. (a) A person who violates a rule or order of the authority is subject to a civil penalty of not less than \$50 and not more than \$5,000 for each violation or each day of a continuing violation.

(b) The authority may bring an action to recover the penalty in a district court in the county where the violation occurred. The penalty shall be paid to the authority.

(c) The authority may bring an action for injunctive relief in a district court in the county where a violation of an authority rule or order occurs or is threatened to occur. The court may grant to the authority, without bond or other undertaking, a prohibitory or mandatory injunction that the facts warrant, including a temporary restraining order, temporary injunction, or permanent injunction.

(d) The authority may bring an action for a civil penalty and injunctive relief in the same proceeding.

(e) The authority may bring an action in a district court against a person located in the authority or included in the authority's groundwater reduction plan to:

(1) recover any fees, rates, charges, assessments, collection expenses, attorney's fees, interest, penalties, or administrative penalties due the authority; or

(2) enforce the authority's rules or orders.

(f) Governmental immunity from suit or liability of a district or other political subdivision is waived for the purposes of an action described by Subsection (e). (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.04.)

Sec. 8888.171. EMINENT DOMAIN. (a) The authority may exercise the power of eminent domain in the authority to acquire property of any kind to further the authorized purposes of the authority.

(b) The authority may exercise the power of eminent domain outside the authority to acquire any land, easements, or other property for the purpose of pumping, treating, storing, or transporting water.

(c) The authority may not exercise the power of eminent domain under Subsection (b):

(1) for the condemnation of land for the purpose of acquiring groundwater rights, water, or water rights; or

(2) to acquire property of any kind that is:

(A) owned by a municipality with a population of 1.6 million or more or any

instrumentality of a municipality with a population of 1.6 million or more, including any local government corporation created by the municipality; or

(B) located in the corporate boundaries of a municipality with a population of 1.6 million or more as of February 1, 2001.

(d) Notwithstanding Subsection (c)(2)(B), the authority may exercise the power of eminent domain under Subsection (b) to acquire property in the corporate boundaries of a municipality with a population of 1.6 million or more if:

(1) the condemnation is to be used to provide facilities between two points that are in the authority and the area in the municipality is bounded by a line parallel to and 150 feet north of the north side of Greens Bayou and by a line parallel to and 150 feet south of the south side of Greens Bayou;

(2) annexation of the territory by the municipality was completed between January 1, 1962, and January 1, 1964; or

(3) the municipality grants permission for the condemnation.

(e) The authority may not exercise the power of eminent domain to acquire property of any kind in Galveston County.

(f) The authority must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code. The authority is not required to give bond for appeal or bond for costs in a condemnation suit, or other suit to which the authority is a party, and is not required to deposit more than the amount of an award in a suit.

(g) The authority may elect to condemn either the fee simple or a lesser property interest when exercising the power of eminent domain.

(h) The authority's authority under this section to exercise the power of eminent domain expired on September 1, 2013, unless the authority submitted a letter to the comptroller in accordance with Section 2206.101(b), Government Code, not later than December 31, 2012. (Acts 76th Leg., R.S., Ch. 1029, Secs. 4.08(a), (b), (c), (d), (e); New.)

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8888.201. GIFT OR GRANT FROM SUBSIDENCE DISTRICT. The authority may accept a gift or grant from money collected by the subsidence district under Chapter 8801 to fund a water treatment or supply system. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.11 (part).)

Sec. 8888.202. AUTHORIZATION OF DISBURSEMENT. A disbursement of the authority must be signed by at least two directors. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.12(b) (part).)

Sec. 8888.203. AD VALOREM TAX PROHIBITED. The authority may not impose an ad valorem tax. (Acts 76th Leg., R.S., Ch. 1029, Sec. 4.13.)

Sec. 8888.204. COOPERATIVE FUNDING. (a) The authority may develop a procedure for funding cooperatively a project of the authority with money from a political subdivision located entirely in the authority, and may develop a procedure for funding cooperatively a project of the authority with money from a political subdivision located wholly or partly outside the authority, a water supply corporation, or other private entity, if the authority project fulfills a governmental purpose of both the authority and the political subdivision, or fulfills a governmental purpose of the authority that the authority determines would be furthered by cooperative funding from a private entity.

(b) A political subdivision may enter into a contract with the authority for the political subdivision to finance a portion of the proposed project with the political subdivision's resources instead of using only the proceeds from bonds of the authority for that purpose. The contract must be executed before the authority issues the bonds. As provided in the contract, the authority may:

(1) reduce the value of the bond issuance to the degree that the political subdivision provides project funding; and

(2) credit the political subdivision for the political subdivision's contribution to the

project financing and adjust the allocation of revenue pledged to the payment of the bonds so that the authority avoids using, to a degree reasonably commensurate with the contribution, revenue from the political subdivision to service the authority's bond debt or interest. (Acts 76th Leg., R.S., Ch. 1029, Sec. 5.05.)

SUBCHAPTER F. NOTES AND BONDS

Sec. 8888.251. REVENUE NOTES. (a) The board, without an election, may borrow money on negotiable notes of the authority payable solely from the revenue from any source, including:

- (1) tolls, charges, and fees the authority imposes;
- (2) the sale of water, water or sewer services, or any other service or product of the authority;
- (3) grants or gifts;
- (4) the ownership and operation of all or a designated part of the authority's works, improvements, facilities, plants, or equipment; and
- (5) contracts between the authority and any person.

(b) The notes may be first or subordinate lien notes at the board's discretion. An obligation may not be a charge on the property of the authority. An obligation may only be a charge on revenue pledged for the payment of the obligation. (Acts 76th Leg., R.S., Ch. 1029, Sec. 5.01.)

Sec. 8888.252. REVENUE AND BOND ANTICIPATION NOTES. (a) The board may issue negotiable revenue anticipation notes or negotiable bond anticipation notes to borrow the money needed by the authority without advertising or giving notice of the sale.

(b) The board may also issue negotiable combination revenue and bond anticipation notes. Negotiable combination revenue and bond anticipation notes may contain any term authorized under this section for revenue anticipation notes or bond anticipation notes.

(c) Any note issued must mature not later than one year after its date of issuance.

(d) A revenue anticipation note:

- (1) may be issued to enable the authority to carry out any purpose authorized by this chapter; and
- (2) must be secured by the proceeds of revenue to be collected by the authority in the 12-month period following the date of issuance of the note.

(e) The board may covenant with the purchasers of revenue anticipation notes that the board will charge and collect sufficient revenue to pay the principal of and interest on the notes and pay the cost of collecting the revenue.

(f) A bond anticipation note may be issued:

- (1) for any purpose for which a bond of the authority may be issued; or
- (2) to refund previously issued revenue or bond anticipation notes.

(g) The authority may covenant with the purchasers of the bond anticipation notes that the authority will use the proceeds of the sale of any bonds in the process of issuance for the purpose of refunding the bond anticipation notes, in which case the board shall use the proceeds received from the sale of the bonds in the process of issuance to pay the principal, interest, or redemption price on the bond anticipation notes.

(h) For purposes of Section 1202.007, Government Code, a note issued under this section is considered to be payable only out of:

- (1) current revenue collected in the year the note is issued; or
- (2) the proceeds of other public securities. (Acts 76th Leg., R.S., Ch. 1029, Sec. 5.01A.)

Sec. 8888.253. BONDS AND NOTES. (a) To carry out a power conferred by this

chapter, the authority may issue bonds secured by all or part of the revenue from any source, including any source described by Section 8888.251(a).

(b) In issuing or securing a bond or note of the authority, the authority may exercise any power of an issuer under Chapter 1371, Government Code.

(c) The authority may conduct a public, private, or negotiated sale of the bonds.

(d) The bonds must:

- (1) be authorized by board resolution;
- (2) be issued in the authority's name;
- (3) be signed by the board president or vice president;
- (4) be attested by the board secretary; and
- (5) bear the authority's seal or facsimile seal.

(e) The bonds may be secured by an indenture of trust with a corporate trustee.

(f) The authority may issue bonds in more than one series as required for carrying out the purposes of this chapter. In issuing bonds secured by the authority's revenue, the authority may reserve the right to issue additional bonds secured by the authority's revenue that are on a parity with or are senior or subordinate to the bonds issued earlier.

(g) The resolution authorizing the bonds or the trust indenture securing the bonds may specify additional provisions that constitute a contract between the authority and the authority's bondholders. The board may provide for:

- (1) additional bond provisions; and
- (2) a corporate trustee or receiver to take possession of the authority's facilities if the authority defaults.

(h) Section 49.181, Water Code, does not apply to bonds or notes issued by the authority. (Acts 76th Leg., R.S., Ch. 1029, Secs. 5.02(a), (b), (c), (d) (part), (e), (f), (g), (h).)

Sec. 8888.254. BONDS SECURED BY CONTRACT PROCEEDS: APPROVAL. (a) If bonds issued under this subchapter are secured by a pledge of the proceeds of a contract between the authority and a municipality or other governmental agency, authority, or district, the authority shall submit to the attorney general a copy of the contract and the proceedings of the municipality or other governmental agency, authority, or district authorizing the contract.

(b) If the attorney general finds that the bonds have been authorized and the contract has been made in accordance with law, the attorney general shall approve the bonds and contract. (Acts 76th Leg., R.S., Ch. 1029, Sec. 5.04 (part).)

Sec. 8888.255. REFUNDING BONDS. The provisions of this subchapter regarding the issuance of other bonds, their security, and the remedies of the holders apply to refunding bonds. (Acts 76th Leg., R.S., Ch. 1029, Sec. 5.03.)

Sec. 8888.256. VALIDITY OF BONDS AFTER ADDITION OF TERRITORY. The annexation or addition of territory to the authority under Section 8888.052 or 8888.053 does not affect the validity of bonds issued by the authority. (Acts 76th Leg., R.S., Ch. 1029, Sec. 1.03(h).)

SECTION 1.05. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapters 9048 and 9070 to read as follows:

CHAPTER 9048. EL PASO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9048.001. DEFINITION

Sec. 9048.002. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

Sec. 9048.003. DISTRICT TERRITORY

SUBCHAPTER B. POWERS AND DUTIES

Sec. 9048.051. GENERAL POWERS AND DUTIES

Sec. 9048.052. POWERS RELATING TO SANITARY SEWER SYSTEM

SUBCHAPTER C. BONDS

Sec. 9048.101. BOND ELECTION REQUIRED

**CHAPTER 9048. EL PASO COUNTY WATER CONTROL AND IMPROVEMENT
DISTRICT NO. 4**

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9048.001. DEFINITION. In this chapter, "district" means the El Paso County Water Control and Improvement District No. 4. (Acts 54th Leg., R.S., Ch. 58, Sec. 2A(a).)

Sec. 9048.002. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) Except for property owned by a railroad or public utility that does not use the facilities of the district, all land included in the boundaries of the district will be benefited. (Acts 54th Leg., R.S., Ch. 58, Sec. 2 (part).)

Sec. 9048.003. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 1, Chapter 268, Acts of the 82nd Legislature, Regular Session, 2011, as that territory may have been modified under:

- (1) Subchapter O, Chapter 51, Water Code;
- (2) Subchapter J, Chapter 49, Water Code; or
- (3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect:

- (1) the district's organization, existence, or validity;
- (2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;
- (3) the district's right to impose a tax; or
- (4) the legality or operation of the district. (Acts 54th Leg., R.S., Ch. 58, Secs. 2A(b), (c); New.)

SUBCHAPTER B. POWERS AND DUTIES

Sec. 9048.051. GENERAL POWERS AND DUTIES. Except as otherwise provided by this chapter, the district has all the rights, powers, privileges, and duties, including the control of storm and flood waters, provided by general law applicable to a water control and improvement district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 51, Water Code. (Acts 54th Leg., R.S., Ch. 58, Sec. 1 (part), Sec. 3 (part); New.)

Sec. 9048.052. POWERS RELATING TO SANITARY SEWER SYSTEM. The district may construct, maintain, and operate a sanitary sewer system. (Acts 54th Leg., R.S., Ch. 58, Sec. 1 (part).)

SUBCHAPTER C. BONDS

Sec. 9048.101. BOND ELECTION REQUIRED. The district may not issue bonds unless the bonds are authorized by a majority of the voters of the district voting at an election held for that purpose. (Acts 54th Leg., R.S., Ch. 58, Sec. 2 (part).)

**CHAPTER 9070. FAYETTE COUNTY WATER CONTROL AND IMPROVE-
MENT DISTRICT—MONUMENT HILL**

Sec. 9070.001. DEFINITION

Sec. 9070.002. EXCLUSION OF TERRITORY

Sec. 9070.003. RIGHTS OF BONDHOLDERS

Sec. 9070.004. TAX LIABILITY OF EXCLUDED TERRITORY

CHAPTER 9070. FAYETTE COUNTY WATER CONTROL AND IMPROVEMENT
DISTRICT—MONUMENT HILL

Sec. 9070.001. DEFINITION. In this chapter, "district" means the Fayette County Water Control and Improvement District—Monument Hill. (Acts 72nd Leg., R.S., Ch. 316, Sec. 1.)

Sec. 9070.002. EXCLUSION OF TERRITORY. The boundaries of the district exclude the approximately 100 acres of territory previously included in the district that are located across Buckners Creek from the district. (Acts 72nd Leg., R.S., Ch. 316, Sec. 2.)

Sec. 9070.003. RIGHTS OF BONDHOLDERS. The exclusion of territory under this chapter does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other certificates of indebtedness of the district. (Acts 72nd Leg., R.S., Ch. 316, Sec. 3.)

Sec. 9070.004. TAX LIABILITY OF EXCLUDED TERRITORY. (a) Territory excluded from the district under Section 9070.002 is not released from the payment of its pro rata share of the district's debt.

(b) The district shall continue to impose taxes each year on the excluded territory at the same rate imposed on other district property until the taxes collected from the excluded territory equal its pro rata share of the district's debt at the time the territory was excluded. The taxes collected shall be applied exclusively to the payment of the excluded territory's pro rata share of the debt.

(c) The owner of all or part of the excluded territory may pay in full, at any time, the owner's share of the pro rata share of the district's debt. (Acts 72nd Leg., R.S., Ch. 316, Sec. 4.)

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Section 1, Chapter 498, Acts of the 54th Legislature, Regular Session, 1955, is amended to read as follows:

Sec. 1. ~~The [creation and establishment of] North Plains Groundwater Conservation District is[;] composed of lands and territories situated within all or a portion of the Texas Counties of Dallam, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree and Sherman, the boundaries of said District being described by metes and bounds in order canvassing returns and declaring results of confirmation election, dated January 27, 1955, recorded in Volume 1, Page 53, of the Ground Water Conservation Records of Ochiltree County, Texas, and recorded in Volume 119, Page 21 of the Deed Records of Ochiltree County, Texas[; to which reference is here made for a more complete description, and which is incorporated herein by reference the same as if copied herein in full, is hereby ratified, confirmed and validated. All acts of the Board of Water Engineers of the State of Texas in regard to the designation of Subdivision Number Two, of the Groundwater Reservoir in the Ogallala Formation, North of the Canadian River in Texas, dated August 16, 1954, in regard to the creation and establishing of said District, and the appointment of seven (7) directors, and all acts of the Board of Directors of said District in regard to the creation and establishment of said District and in regard to levying and collecting ad valorem taxes by said District are in all things ratified, confirmed and validated, and said District, composed of the land and territory described above, is hereby declared to have been fully and duly created and established and authorized to collect ad valorem taxes from and after the confirmation and tax elections held within said District on January 21, 1955].~~

ARTICLE 3. REPEALERS

SECTION 3.01. The following statutes are repealed:

- (1) Chapter 46, Acts of the 54th Legislature, Regular Session, 1955;
- (2) Chapter 1168, Acts of the 71st Legislature, Regular Session, 1989;

- (3) Chapter 21, Acts of the 68th Legislature, Regular Session, 1983;
- (4) Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, Chapter 141, Acts of the 54th Legislature, Regular Session, 1955;
- (5) Sections 1, 2(c), 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16A, 16B, 16C, 16D, 16E, 16F, and 16G, Chapter 1081, Acts of the 68th Legislature, Regular Session, 1983;
- (6) Sections 3, 4, 5, and 6, Chapter 600, Acts of the 70th Legislature, Regular Session, 1987;
- (7) Chapter 318, Acts of the 72nd Legislature, Regular Session, 1991;
- (8) Chapter 1200, Acts of the 75th Legislature, Regular Session, 1997;
- (9) Chapter 350, Acts of the 81st Legislature, Regular Session, 2009;
- (10) Chapter 524, Acts of the 71st Legislature, Regular Session, 1989;
- (11) Chapter 22, Acts of the 77th Legislature, Regular Session, 2001;
- (12) Chapter 64, Acts of the 81st Legislature, Regular Session, 2009;
- (13) Sections 1, 1A, 2, 4, 5, 6, 7, 8, 9, 10A, 10B, 11, and 12, Chapter 712, Acts of the 71st Legislature, Regular Session, 1989;
- (14) Chapter 1123, Acts of the 80th Legislature, Regular Session, 2007;
- (15) Chapter 368, Acts of the 74th Legislature, Regular Session, 1995;
- (16) Chapter 658, Acts of the 82nd Legislature, Regular Session, 2011;
- (17) Chapter 669, Acts of the 71st Legislature, Regular Session, 1989;
- (18) Chapter 673, Acts of the 71st Legislature, Regular Session, 1989;
- (19) Chapter 653, Acts of the 71st Legislature, Regular Session, 1989;
- (20) Chapter 879, Acts of the 81st Legislature, Regular Session, 2009;
- (21) Chapter 519, Acts of the 71st Legislature, Regular Session, 1989;
- (22) Chapter 1173, Acts of the 79th Legislature, Regular Session, 2005;
- (23) Chapter 46, Acts of the 72nd Legislature, Regular Session, 1991;
- (24) Chapter 377, Acts of the 69th Legislature, Regular Session, 1985;
- (25) Chapter 757, Acts of the 72nd Legislature, Regular Session, 1991;
- (26) Sections 1A, 2, 3, 4, 4a, and 5, Chapter 498, Acts of the 54th Legislature, Regular Session, 1955;
- (27) Chapter 760, Acts of the 68th Legislature, Regular Session, 1983;
- (28) Chapter 63, Acts of the 69th Legislature, Regular Session, 1985;
- (29) Sections 2, 3, 4, and 5, Chapter 1152, Acts of the 76th Legislature, Regular Session, 1999;
- (30) Chapter 644, Acts of the 84th Legislature, Regular Session, 2015;
- (31) Sections 1.01, 1.02, 1.03(d), 1.03(f), 1.03(g), 1.03(h), 1.045, 1.05, and 1.06, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999;
- (32) Articles 2, 3, 4, 5, and 6, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999;
- (33) Chapter 232, Acts of the 77th Legislature, Regular Session, 2001;
- (34) Article 12, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;
- (35) Section 13.04, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;
- (36) Sections 1, 3, 4, 5, 6, and 7, Chapter 1296, Acts of the 77th Legislature, Regular Session, 2001;
- (37) Sections 39 and 40, Chapter 1423, Acts of the 77th Legislature, Regular Session, 2001;

- (38) Chapter 381, Acts of the 78th Legislature, Regular Session, 2003;
- (39) Section 2, Chapter 271, Acts of the 79th Legislature, Regular Session, 2005;
- (40) Sections 2, 3, 4, 5, and 7, Chapter 321, Acts of the 82nd Legislature, Regular Session, 2011;
- (41) Chapter 723, Acts of the 83rd Legislature, Regular Session, 2013;
- (42) Chapter 1343, Acts of the 79th Legislature, Regular Session, 2005;
- (43) Section 199, Chapter 1163, Acts of the 82nd Legislature, Regular Session, 2011;
- (44) Sections 1, 2, 2A(a), 2A(b), 2A(c), 3, and 4, Chapter 58, Acts of the 54th Legislature, Regular Session, 1955;
- (45) Chapter 491, Acts of the 54th Legislature, Regular Session, 1955;
- (46) Section 2, Chapter 268, Acts of the 82nd Legislature, Regular Session, 2011;
- (47) Chapter 316, Acts of the 72nd Legislature, Regular Session, 1991; and
- (48) Sections 2, 3, 6, 7, 8, 9, 10, 11, 13, and 14, Chapter 1196, Acts of the 84th Legislature, Regular Session, 2015.

ARTICLE 4. GENERAL MATTERS

SECTION 4.01. LEGISLATIVE INTENT OF NO SUBSTANTIVE CHANGE. This Act is enacted under Section 43, Article III, Texas Constitution. This Act is intended as a codification only, and no substantive change in the law is intended by this Act. This Act does not increase or decrease the territory of any special district of the state as those boundaries exist on the effective date of this Act.

SECTION 4.02. PRESERVATION OF VALIDATION MADE BY PREVIOUS LAW. (a) The repeal of a law, including a validating law, by this Act does not remove, void, or otherwise affect in any manner a validation under the repealed law. The validation is preserved and continues to have the same effect that it would have if the law were not repealed.

(b) Subsection (a) of this section does not diminish the saving provisions prescribed by Section 311.031, Government Code.

SECTION 4.03. EFFECTIVE DATE. This Act takes effect April 1, 2019.

Passed by the House on April 20, 2017: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate on May 24, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective April 1, 2019.

USE OF CERTAIN LIGHTING EQUIPMENT ON SECURITY PATROL VEHICLES

CHAPTER 870

H.B. No. 2812

AN ACT

relating to the use of certain lighting equipment on security patrol vehicles.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 547.305, Transportation Code, is amended by adding Subsections (e-1) and (e-2) and amending Subsection (f) to read as follows:

(e-1) *A security patrol vehicle may only be equipped with green, amber, or white lights.*

(e-2) *A motor vehicle is equipped with a lamp or illuminating device under this section regardless of whether the lamp or illuminating device is:*